The BLOODY ASSIZE

by SIR EDWARD PARRY

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THE BLOODY ASSIZE

JUDGE JEFFREYS

From the Mezzotint in the British Museum.
Engraved by E. Cooper from the portrait by G. Kneller.
(Frontispiece).

THE BLOODY ASSIZE

By His Honour

SIR EDWARD PARRY

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SAN RAFAEL

NEW YORK
DODD, MEAD AND COMPANY
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BOOK I

SOWING THE WIND

Chapter I: *Lucy Walter*

I MUST confess to a lifelong habit of taking my history dramatically. If I cannot get it in the form of plays, which is the best form of all, I like to read it in the lives of the actors and make my own drama of it. I am sure there is more truth to be obtained in that way than in relying in too docile a spirit upon state papers, which appear to have been cunningly drafted with intent to deceive, and still do deceive really learned and scholarly historians.

There are plenty of official and other documents relating to the Bloody Assize and the historical events that led up to it; but they do not, as far as I can discover, explain to you why this terrible event should have happened in a comparatively civilized community. And to my mind, although no doubt the basic cause of the affair was the clash and hatred of rival religious organizations, the actual human beings who brought about these horrors were essentially comedians. Monmouth, the leader of the Rebellion, was not a hero but a walking gentleman; Titus Oates is a low comedy buffoon; Jeffreys, the villain of the piece, but for his lust of cruelty, would be a comic villain.

And it was to give these three characters opportunity to display their talents that our old-fashioned stage manager, the Devil, seems to have planned the scenario of the spectacular melodrama which we call the Bloody Assize.

As I read the story I feel sure these three parts are the rôles that the best actors would choose for themselves. They have the most lines to speak. They are

always fighting each other for the centre of the stage, and hugging the limelight. Jeffreys is the most successful in this contest, for his business naturally allows him to speak as many lines as he chooses, and sets him in the centre; but Oates, in the early part of the drama's evolution, has his moments; and Monmouth perhaps gets the biggest curtain.

You will find that there are several small parts and minor characters that in history books are given great prominence, but are not serviceable in drama. Kings are seldom fat parts in good plays. And in the human drama of the Bloody Assize, James II. is not so important as one would imagine. From an actor's point of view he is a bad part, for as a human being he was only a puppet with a company of Jesuit priests pulling the strings. True, they did this so deftly that the royal monarch began to fancy he was alive and walking about and doing things; and though a puppet can play an actor well enough, an actor does not care to demean himself to so wooden a business as to portray a puppet king.

The staging of the Bloody Assize, following the sound conventions of well-constituted spectacular drama, gives excellent opportunities for soldiers to march across the stage, simple peasants to crowd on and listen to orations about liberty, and throw up their hats and cheer, and the villain has more than his fill of bullying and insulting innocence and virtue, and ordering his victims to be dragged to the whipping-post, the pillory, the scaffold, the gibbet and the stake.

And as, to my thinking, it is essential, to the proper understanding of the story of the Bloody Assize, to keep in mind the upbringing and circumstances of Monmouth, Titus Oates and Jeffreys, I make no apology for beginning with Lucy Walter, the mother of Monmouth; and if I could have found out all about Mrs Oates and Mrs Jeffreys, I would have set it down just as carefully, for I have a

distinct belief in the significance of mothers in historical research.

I cannot deny that Lucy was a pretty lady with a coming-on disposition, and a woman which was a sinner, and certainly she loved much. But that she was the kind of common abandoned slut that the enemies of the Duke of Monmouth described in the years of his failure in order to tickle the ears of James II., can only be received with credit to-day by the faithful remnant who still wear oak leaves and strew white roses at appropriate dates.

It was necessary to James II. to vilify his brother's child in order to counter the story of the marriage of Charles II. and Lucy, and nothing that he says of her in the way of foul abuse, unless it be corroborated by other evidence, is worthy of attention.

The character of the lady, however, has received real injury from an entry in the diary of the respectable John Evelyn. He says, writing of Monmouth, "His mother, whose name was Barlow, daughter of some very mean creatures, was a beautiful strumpet whom I have often seen in Paris; she died miserably without anything to bury her." Most of these statements are entirely untrue. But it must be remembered that they were written by Mr Evelyn, who was a good Tory, on July 15th, 1685, the day that Monmouth was executed. James II. was, as Evelyn thought, firm in possession of the throne. Evelyn was a favourite of the King, who, a few months afterwards, appointed him one of the Commissioners of the Privy Seal. That he repeated the Court gossip of the day in his diary is not to be wondered at. But he knew at first hand so little of Monmouth's history that, in September 1677, he had described him as the natural child of Charles II. by the Duchess of Cleveland.

Now many years before, on August 18th, 1649, being in Paris a few months after Monmouth was born, when Lucy was the acknowledged favourite of the King, who treated

her as his wife, young Mr Evelyn was proud to set down in his diary that he had ridden with her to St Germains, when he went to kiss His Majesty's hand. They rode with my Lord Wilmot in his coach, and it is clear that at this date the King's pretty lady was received at Court, being a woman of good family and one of the King's household and the mother of his child. It was customary, as we know, in the Courts of Europe of that day, and indeed long afterwards, for such alliances to be recognized, and the Queen Mother received Lucy, who was then, according to Evelyn, " a brown, beautiful, bold, but insipid creature," and Her Majesty was always very kind to her little grandson.

Evelyn is hopelessly wrong when he says Lucy was the daughter of mean creatures; and her name was certainly not Barlow, though she went by that name. It may seem at first that these things cannot be of great import to the story of the Bloody Assize. But, in fact, they are intimately connected with it. For the simple people of the West of England firmly believed that Lucy Walter was the true wife of Charles II. and that her beautiful son was the real heir to the English throne. The lying slanders of her enemies declared she was a loose woman of low origin, but the people of the West knew better. They knew that she came of good British stock, and the belief that the young king really married her abroad was not so absurd as historians suggest. Indeed it is possibly true, and there is evidence of it to go to the jury, though I by no means think her case is proved.

Lucy was born in 1630, the same year as Charles II., probably at Rhosmarket, near Haverfordwest in Pembrokeshire. The Great House at Rhosmarket seems to have belonged to the Barlows or the Walters, or to one or other of these families at different dates.

Mr Steinman, F.S.A., in the *Althorp Memoirs* prints a very elaborate pedigree of Lucy Walter. He is the authority

LUCY WALTER

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followed by the *Dictionary of National Biography*, and he says, I believe correctly, that she was the daughter of William Walter of Roch Castle and Elizabeth Protheroe, his wife. This lady was a niece of John Vaughan, barrister of the Middle Temple, and Member for Carmarthenshire in 1601. The Vaughans of Golden Grove were a very old family. John himself became Comptroller to the household of Charles I. when he was Prince of Wales, and went with him on his romantic mission to Spain in 1623. Lucy had two brothers, Richard and Justus.

Richard married Bridget Middleton, and Sir John Barlow, the first baronet, married another Mistress Middleton, and another of the Walters married a Barlow. The Barlows of Slebech were a well-known Royalist family, and these alliances, I think, fully account for her travelling to France with one of the Barlows and being known in Paris as Mistress Barlow.

Madame D'Aulnoy, who was an adept at pretty fairy tales and very fond of young Monmouth, declares that Charles met his lady-love in the wilds of Wales and fell in love with her when they were both children. I fear this is but romance. There is no evidence of it. But a young girl related to the Vaughans might have met the Prince at many of the great houses in the country.

She may, too, have been sent away from home during the troubles, though I do not myself think she ever lived at Roch Castle. This ancient fortification lies between Haverfordwest and St David's. I doubt if it was a domestic dwelling in 1630. Fenton has a picture of it in 1810, an eagle's nest on a rocky eminence. It was fortified and held for the King by Captain Francis Edwards of Summerhill. The legend that Cromwell was at the siege and that Captain Edwards threw a javelin at Oliver and hit him on the helmet is, alas, mere romance. But the Roundheads drove the Royalists out of the Pill Fort near-by, and all the King's forces retired on Haverfordwest, where Lucy, who was then

a girl of fourteen, was, I believe, living with her father at the Rhosmarket House.

Now what happened after this time is, I think, rightly described by Mr Edward Laws, the historian of Little England beyond Wales, who tells us that many Royalist families sent their young people abroad if they got the chance and stayed at home themselves to see it through.

It appears that there was a certain John Barlow of Slebech, who was an adherent of Lord Glamorgan, and had been mixed up in a Royalist plot to hand over Milford Haven to the Irish. In 1640, Lord Glamorgan became by inheritance Marquis of Worcester, and joined the exiled Court in Paris. He took with him John Barlow and a young kinswoman named Lucy Walter. This would introduce Lucy into Court circles under the patronage of a great noble, and as herself a lady connected with ardent and devoted Royalist families of high rank. Lucy's father, who was, I think, not directly concerned in overt acts of rebellion, remained in Rhosmarket, and if Mr Laws is correct, became Sheriff in 1656.

I am not asserting all this did happen, but it sounds highly probable, and the legend that Lucy went off to the Hague as the mistress of one of the Sidneys seems to me an after-invention of the enemy, quite unsupported by reliable testimony. I have little doubt she met Charles II. at Paris when he was Prince of Wales, some time in or before 1648, that she there succumbed to his addresses and went through some form of marriage with him. At that period they were both young people of about eighteen, and that Charles was devoted to Lucy and remained deeply attached to her for many years, and refused for a long period to take the counsel of his advisers and part from her for ever, is now quite clearly established. That there is no proof existing of any legal marriage is equally clear, but that Lucy was received as a wife in all but name by his mother and brothers and sisters is certainly true.

Now James II. in his memoirs, written, let us remember, long after the event, for he was only a boy of fourteen or fifteen at this time, declares that Charles met Lucy for the first time at the Hague, and he says that Algernon Sidney told him that he had made love to Lucy and had given her fifty gold pieces as the price of her honour, but that he had never enjoyed her favour owing to the fact that he had to join his regiment in a hurry. It would be interesting to know when and where this happened, and also when and where the republican, Algernon Sidney, met James II. and Algernon discoursed of his early wickedness in this familiar way. The libel is worth a moment's consideration as it is really the foundation of the myth that Lucy Walter was a woman of loose character before she met Charles.

Now we know that Algernon Sidney was wounded at Marston Moor in 1644, when Miss Walter was only fourteen and almost certainly then living in remote South Wales, where her family and relatives were actively engaged in fighting Algernon's friends.

At Marston Moor Algernon was disabled from wounds for a considerable time, and then in May 1645 he left the army " by reason of his lameness," as he writes to Fairfax. After that, in 1647, he recovered, and once again served in Ireland, where his brother, Lord Lisle, was made Lieutenant-Governor.

The story went that Algernon handed the girl over to his brother, Colonel Robert Sidney, an officer in the English regiment in the Dutch service afterwards known as the Buffs, and that Lucy was living with him at the Hague when Charles II. arrived early in July 1648. This story, again, seems first to have been started when it was important to James II. and his friends to counter the declaration of Monmouth's party that he was a legitimate heir to the throne. The truth of the story depends mainly on the slender support of James's memoirs and statements. He continuously affected to believe, and constantly affirmed,

that he had convincing proofs that Robert Sidney was the father of the child afterwards known as James, Duke of Monmouth. James, of course, never produced any of his convincing proofs except the statement that Robert Sidney and James, Duke of Monmouth, had each a wart or mole on the face.

The story set about by James and his friends was really counter-propaganda to destroy the political Whig myth of the contract of marriage which Sir Gilbert Gerard, Bishop Cosin's son-in-law, was supposed to have in a "black box." The public have always loved to dream about mysterious documents housed in a "black box." But in so far as it implicated Lucy Walter with the Sidneys prior to her union with Charles, the story can hardly be true.

Some historians accept the Sidney legend, apparently on the ground that Charles was at this period loafing about the Hague, and would naturally pick up with any pretty girl who gave him encouragement. But Charles was in Paris or at St Germains when news came that a portion of the English Fleet had mutinied and sailed to Helvoetsluys, where the Duke of York had joined them. On July 6th, or perhaps a few days earlier, Charles reached Calais. Here he met an English frigate and sailed for Helvoetsluys, where the sailors received him "with all those acclamations and noises of joy which that people are accustomed to." He found the fleet in a very factious state. There was no officer on the vessels of a higher rank than a boatswain, and Charles had his hands full pacifying the men and making arrangements to sail, and to this end was daily concerned in endeavouring to get a supply of beer for his crews, without which no chance of movement seemed possible.

However, Charles got away in a few days and sailed for the Thames. He was in the Downs on July 12th and in Yarmouth Roads on the 24th, and did not return until September 7th.

Now even Charles, with this job to tackle at Helvoet-

sluys, could not have had time to reach the Hague, make the acquaintance of Lucy, steal her from Sidney and settle her in new quarters at the Hague to await his return. And if he had done this rapid wooing James, who was left behind at the Hague, must have known all about it from personal knowledge, but this he never asserts.

But if, as I think, they were already united in Paris, Lucy would be left there in safe hands, and when Charles returned to live at the Hague in September, would join him there. And that they lived together at the Hague after this date until their child was born in April 1649 is beyond doubt.

There was a family gathering at the Hague at Christmas time, consisting of Charles's sister, the Princess of Orange, with her husband the Prince, and Elizabeth of Bohemia, his aunt, with her four daughters and Rupert and Maurice her sons. Charles used to flirt with his cousin and please Herzogin Sophie by telling her that she was handsomer than Lucy. In later years, when Charles was away from the Hague and Lucy and her child were living there, we find the Princess of Orange writing letters to her brother and alluding to Lucy as "your wife." I should not myself base any foundation of a legal marriage on the phrases of "husband" and "wife" used by the Princess, but the fact that the Princess so writes leads me to disbelieve James's stories of Lucy's immorality with the Sidneys, and goes to show that her union with Charles had come about in France, as I have suggested.

Be that as it may, there is abundant evidence that Charles from these early days in Paris and at the Hague was deeply in love with Lucy and very fond of his child. Madame D'Aulnoy tells us that Lucy was "so perfect a beauty, and so charmed and transported the King, that amidst the misfortunes which disturbed the first years of his life and reign, he enjoyed no satisfaction nor pleasure but in loving and being beloved by this charming mistress.

This being his first passion, the equipage he allowed her, the care he took to please her and the complaisance he had from her were so exceeding great that it made the world believe he had promised her marriage."

Now that his parentage is recorded, we must begin a short account of the childhood of the Duke of Monmouth, his upbringing and education. This during his earliest years is naturally a continuation of his mother's story.

And though this may appear at first irrelevant to the history of the Bloody Assize, it is not really so, since the fact that this unfortunate child was reared as a young prince of royal parentage, without receiving any training fitting him for the part, was in the end the proximate cause of the tragedy. For it was Charles who sowed the wind and let those who came after him reap the whirlwind.

Chapter II: *Monmouth*

Lucy's child was known as James Scott, the Christian name being chosen, doubtless, out of compliment to his uncle. From the earliest he was brought up as a young prince, and his mother had an establishment ordered for her by the King worthy of her position, though the money was not always forthcoming to pay for it. Soon after Christmas the family moved to Paris, and were received at St Germains. Charles now made a visit to Jersey, and it seems clear Lucy and her child remained behind. He was back in February preparing for the expedition to Scotland, which started in June 1650. From then, until his romantic escape to Brighton after the battle of Worcester and his landing at Fécamp on October 16th, 1651, the mother and child were left to care for themselves.

Lord Clarendon, being a statesman, naturally and properly regretted his young King's affection for Lucy and her child, and as an historian of his own time, wrote what he hoped would be the truth when he said that the young lady had behaved with such indiscretion whilst Charles was away that on his return he would have nothing to do with her. She seems to have had a daughter in May 1651, born at the Hague, the father of whom was said to have been the Earl of Arlington. Someone must have taken care of her and her child in the King's absence, and she seems to have returned to the Hague. Here she lived in considerable state, but whether, as Clarendon says, Charles on his return "refuseth to have any further converse" with his beautiful mistress, or whether he visited her on occasion, it is hard to say. He was certainly eager to get the custody of his child.

Little James and his nurse lived at the house of Mr Claes Gluysen, a merchant of Schiedam, a mile out of Rotterdam, and Lucy lodged with Mrs Harvey, the great Dr Harvey's mother, and kept considerable state, having a gentleman and other servants to attend her. Charles seems to have endeavoured—or his courtier friends made the attempt for him—to abduct the child away from its mother, and they were successful to a point, but the magistrates intervened and restored the infant to Lucy.

How far Charles paid Lucy the allowances he had promised her is uncertain, but from expressions in a letter in Thurloe's State Papers from one Daniel O'Neile, a led captain of Lord Digby, on whom many undesirable duties devolved, Charles was, as late as February 8th, 1656, promising that " the next money he can beg or borrow should be sent to supply her." O'Neile very sensibly points out that this is not a business-like way of dealing with her. He suggests to His Majesty that if he would own the child he had better send a positive command to her, and meanwhile he should send her no money, for " the only way is to necessitate her."

According to O'Neile, the Magistrates were eager to have her " banished this town and country for an infamous person, and by sound of drum," but their respect for Charles II. prevents these strong measures. Lucy seems to have held her own against all of them, and it appears that during the last few years she had been reconciled to Charles, although Ormond and Clarendon had tried their best to part them.

At last an official separation was arranged, and Lucy agreed to retire to Wales with her child, on a pension of £400 a year. She undoubtedly endeavoured to carry out her part of the contract, and arrived in London with her brother Justus Walter and two children, and Anne Hill, her maid. She was also accompanied by Thomas Howard, Gentleman of the House to the Princess Royal at the Hague. The party arrived in London in the summer of

1656, and within a few days Lucy and her maid were taken into custody and placed in the Tower.

Little James was now a child of seven, and his mother was anxious what might be done to him if it was known he was the child of Charles. The examinations of Lucy Walter and her maid throw some light on the position she still occupied in the eyes of Charles and his friends. She had been received in London by many well-affected persons with profound respect and reverence, her visitors kneeling before her. She herself seems to have claimed to be the King's wife, and *Mercurius Politicus* styles her "his wife or mistress."

And that Lucy was still being maintained and cherished by Charles II. in June 1656, is clear from a deposition made by Anne Hill on June 26th. She had been her maid in Holland for about seven months, and says that six weeks ago she left her lady and came to England in a Dutch ship, promising to join her in England, which she did. Lucy, she says, had hired a boat for herself, her two children and Mr Justus Walter, her brother, and Thomas Howard. She knew that one of the children was a son of Charles Stuart, who maintained Mrs Barlow, and that she lived "in a costly and high manner," keeping her brother and the children. They were now at a barber's house over against Somerset House. Mrs Barlow had been with the King a night and a day together shortly before coming over. Thomas Howard was also examined, and admitted he had come over with Lucy about June 7th and taken lodgings at the same house. He said he had met her on board the ship. Anne Hill, on the other hand, on further examination said that Howard had been much in company of the lady at the Hague, and that her lady told her she had been with Charles at Antwerp or Brussels with "the Master," as the boy James was called, and that she and Howard had discoursed about the purchase of a pearl necklace for £1500 and the ordering of a new coach "lined with red velvet with

gold fringe on it," and that they lived "very plentifully in clothes and dyet."

Making every allowance for the romantic nature of the testimony of servant girls, and that Anne had a grievance about not being allowed to come downstairs for a cup of beer when she felt thirsty, there seems substantial evidence that at this period Charles was financing Lucy and his child very handsomely for a refugee in his position. That Anne Hill's account is more or less true we know from an official report from Antwerp of May 27th, that "the King of England is not far from this city," and is "within a day or two to go to Brussels." This exactly fits in with Anne's story.

Lucy herself, when examined, declared that she had not seen Charles for two years, and that the father of her two children was a deceased husband in Holland. She had come over "to look after £1500 left her by her mother." The Government decided, however, that she must be deported, and on July 16th the *Mercurius Politicus* published an account of her arrest and the warrant for her removal, with an editorial criticism on Charles Stuart's conduct to his supporters:

"Those that hanker after him may see they are furnished already with an heir apparent, and what a pious charitable prince they have for their master, and how well he disposeth of the collections and contributions they make for him here."

The result of the business is to be found in the deporting order made by the Council on July 1st, 1656: "Lucy Barlow, prisoner in the Tower, to be sent back to Flanders with her child, and Sir John Berkstead to see it done," which he did.

Miss Eva Scott, in her *Travels of the King*, deals in masterly detail with the further efforts of Charles to kidnap his child, and his advisers' attempts to get rid of the scandal of Lucy's continued association with the King. It was

not, however, until 1658 that Lucy Walter consented to part with her child, and Charles sent Thomas Ross in April of that year to take charge of him. He was now nine years old, and Ross writes to Charles, "It is a great pity so pretty a child should be in such hands as hitherto have neglected to teach him to read or to tell twenty, though he hath a great deal of wit and a great desire to learn."

The Queen Mother, Henrietta Maria, was greatly attracted by the child, and at first he was brought up as a Catholic under the discipline of the Pères à L'Oratoire. Dr Stephen Gough was his tutor. Then Charles seems to have thought it advisable he should be instructed as a Protestant—another misfortune for the boy, and an important movement towards the Bloody Assize. Thomas Ross, a poet and politician attached to the exiled family, was appointed his governor. James II. alleged that Ross tried to persuade Dr Cosin, Bishop of Durham, to forge a certificate of marriage between Charles and Lucy, and that he incited his charge to believe he was heir to the throne. But Ross was soon afterwards appointed King's librarian, and there is no real evidence that he was the author of the myth of the marriage lines in the black box.

A child of twelve, brought up as little James had been, could have had no clear notion at that date of the great strife and warfare that might arise if a real black box with a real marriage certificate had come into being. There seems no object in Ross starting the fraud. Lucy Walter, poor thing, died soon after she parted with her son in September or October of 1658, and after that the child's days were taken up with the labours of a long-neglected education.

These were the true beginnings of James, Duke of Monmouth, who was fated to be the hero of a Protestant rising in England to save his country and countrymen from the tyranny of Popery, and it is essential to understand them,

for they were known in England, and large numbers of the people believed that he was the real heir to the throne.

On July 28th, 1662, Queen Henrietta arrived in England, bringing with her this handsome boy of thirteen, then known as James Crofts, technically supposed to be a relative of Lord Crofts who came with them. The "young master" entered Hampton Court as a son of his father should do, and was at once installed in sumptuous lodgings in the royal palace.

Nor did this arrangement in any way offend the moral sense of the community. At that time, whether he were a bastard or the legitimate heir to the throne worried no one. He was the King's son by a British mother, and as such was welcome. Courtiers, priests, lawyers and the simple people, except for a few conscientious objectors, recognized with courtly tolerance that Charles was only exercising the hereditary divine right of a king, handed down from the age of King David,

> When nature prompted and no law denied
> Promiscuous use of concubine and bride.

The first step to the boy's advancement was to negotiate with the Countess of Wemyss to marry him to her daughter, a little girl some two or three years younger than he was. The child was heiress of £10,000 a year. There was some difficulty owing to the fact that at that time the Duke of Monmouth had no legal name. The Scots lawyer in drafting the Settlement referred to him as the King's "natural son." Clarendon, the cautious Lord Chancellor, objected to the words, and Charles, to regularize the position, in February 1663 created him Baron of Tinedale, Earl of Doncaster and Duke of Monmouth, and at a Chapter of the Order held at Whitehall, at which Charles was present, his son was created Knight of the Garter, and soon after heraldic honours emblazoned on his banner the three golden lions of royalty.

If Clarendon could have foreseen coming events he would have done well not to have cavilled at the statement that James, Duke of Monmouth, was a "natural son" of the King. But in that day the question of Charles's marriage with Lucy Walter was not mooted, and no one could well foresee that Monmouth would ever claim to be the lawful son of the King. Clarendon, after the manner of statesmen, preferred to leave the sonship question in vague uncertainty. It might turn out that Charles would want some day to acknowledge his son and make him his heir, and cut out his brother James, or contrariwise Charles might wish to nominate James for the succession and dismiss Monmouth.

At that date Charles himself probably did not know what he intended to do. He liked the pretty boy. His mother was his first love. He had a royal zeal for heaping treasure on the minion of the moment, and he had enough foresight to see that a favourite Protestant son would be a good pawn to push forward against the Roman Catholic brother if he threatened to be disagreeable.

Never, since Prince Hal and perhaps Prince Henry, the son of James I., had England a prince of greater beauty and charm than this young Absalom. Everyone who saw him describes him as the Prince Charming of his world. Not only did he delight the King, but at a very early age gave evidence of his royal instincts, and was regarded by his father with fond amusement when it was reported that he was already "la terreur universelle des époux et des amants."

Nor was he merely a Court puppet lolling in the barges of the women as they drifted down the river, or carrying their spaniels on the terraces or romping with them in the glades of the park. He was a manly youth, and was at his best on board a ship, or in the field in the saddle, or on the tennis court or the tilt-yard, and was a fleet runner, and ready to wager his prowess against any man in fair sport. He was eager for exercise, and could throw aside the chains

of the women, who sought to cage him in the palace, and leave them for the superior joys of the field.

Moreover, he had not only a fine presence, a graceful carriage, and could wear fine clothes with advantage, but he pleased the people with his frank courtesy and affable ways. To them he was every inch a prince, both in looks and bearing. He was British. He was Protestant. They compared him in their minds with James, Duke of York, his uncle. No wonder that there gathered round Absalom a party who wished the King to make him the heir to the throne, and that Charles himself played with the project, more seriously than he did with most State problems, moved to its study by complacent paternal pride when he fancied he saw in the lad's charms and graces " his youthful image in his son renewed."

This is, I think, a fair picture of the early years of James Scott, Duke of Monmouth, a time of life which modern psychologists tell us is full of peril for the soul. How he stumbled into the machinations and intrigues of a wicked world, the ways of which he was not equipped to travel in security, how he was brought to the dust and carried with him to destruction hosts of simple followers, is the story of the Bloody Assize.

But to understand how that came about we must follow the lines of two parallel lives of the same date, wholly unrelated to him or to each other, who were equally heading for the same disaster and cast to play their parts in the same tragedy.

Chapter III : *Titus Oates*

One of the best-known legal maxims, which oral tradition hands down from one generation of law students to another, is that there are three degrees of perjurers : " the liar, the damned liar, and the expert witness." Titus Oates belonged to all these classes, but it has been a little lost sight of that he was essentially an expert witness.

Titus Oates, like Judge Jeffreys, was an uncommon rascal. There is no defence for their iniquities, but there is no reason to depict them as super-inhuman monsters, nor to repeat the slanders by which enemies—no more worthy of respect than themselves—sought to make them hideous to their contemporaries.

Jeffreys has been elegantly whitewashed by H. B. Irving in his excellent biography of the Judge, but to me when you deny him rascality you deny him flavour and bouquet. It is the same with Titus Oates. Even John Pollock, the learned historian of the Popish Plot, notes this. He admires his coarse wit, and agrees that " there is something laughable about the rascal," and that when he comes upon the scene we may be sure of good sport.

Titus Oates was a popular hero. He had followers who believed in him; he was animated by a desire to promote a cause, and he had the strength to suffer for it. Jeffreys was a peculiarly selfish, lonely personality, with a greed for self-advancement. Whilst he had place and money he had companions to drink his wines and feast with him. But in the time of disgrace he had not a friend in the world, whilst Oates at his martyrdom was upheld by the applause and gratitude of thousands.

Titus Oates was born at Oakham in 1649. He was

therefore the same age as Monmouth, and a year younger than Jeffreys. These three individuals and their movements in the world of politics and religion made the Bloody Assize a natural ending to their selfish adventures. You may say, of course, that the affair was one of the many disgraceful battles of organized religion, in which Monmouth was the champion of the Protestants, Jeffreys the hired bully of the Catholics and Titus Oates the paid assassin of the rebel dissenters. That is roughly true, no doubt, but without the three heroes of the piece, Monmouth, Jeffreys and Oates, the Bloody Assize could never have been staged and a massacre of revenge committed in accordance with the forms of law and justice.

Even in modern times Oates's biographers cannot allow a word in his favour, and eagerly extract the abuse with which the Tory pamphleteers befouled him. But these entertaining writers must not be taken too seriously. The Oates family seem to have been natives of Norwich. In 1612 Titus Oates married one Anne Ryall, and their son Samuel was a revivalist and anabaptist preacher in Norfolk. He is said to have been chaplain to Colonel Pride's regiment and turned out of the army by Monk. If this is correct, young Titus must have been brought up in an atmosphere of violent anti-Catholic prejudice.

On June 11th, 1655, his father sent him to Merchant Taylors' School, where he is duly entered in the Register. I understand there are two contemporary notes in the Register, one hailing him as "The Saviour of the Nation, first discoverer of that damnable hellish Popish Plot in 1678," the other calling him "Titus Oates the notorious informer." Both these views of the man have much to be said for them.

The *Dictionary of National Biography* says that he was "expelled in the course of his first year." Was he expelled? The Register is silent about it. What happened was that his father in 1666 became vicar of All Saints,

Hastings, and brought his son back to a school at Sedlescombe, which is near-by.

In 1667 he entered Caius College, Cambridge. Here he remained two years. Then, says the *Dictionary*, he "had to migrate." Coarser contemporaries say that he was "spewed out." There seems no authority worthy the name for either statement. The fact was that his father had now become a good churchman and, being keen that the early extravagances in which Titus had been brought up should be modified, wanted to place him with Dr Thomas Watson at St John's College, and removed him there accordingly. Now Dr Thomas Watson, afterwards Bishop of St David's, and a strong supporter of James II., had no great use for his new scholar. In Wilson's *Memorabilia Cantabrigiæ* it appears that "Thomas Watson, his tutor does not charge him with much immorality, but says he was a great dunce; that he ran into debt and being sent away from want of money never took a degree at Cambridge." The *Dictionary* omits the first indirect compliment that he was not charged with much immorality. This, perhaps, is done on purpose to harmonize with the misuse of a later slander. The gossip, Anthony Wood, says, "T. O. a prisoner in the K B, had a bastard borne of his bedmaker—So the common report in London." The *Dictionary* solemnly credits him with the bastard and allows no charitable discount for the "common report in London." Even Titus Oates is worthy of better biographical treatment. What roused Wood's royalist indignation was not so much that Titus Oates had been guilty of immorality but that it was an impudent *lèse-majesté* for a common sinner to play the sedulous ape to royalty in the propagation of bastards.

Thomas Baker, the antiquary, gives us some second-hand gossip about the fellow, saying that "he stole from or cheated his tailor of a gown, which he denied with horrid imprecations; afterwards at a communion being

administered, and admonished and advised by his tutor, confessed the fact."

This sounds probable enough, and all that can be gathered from authority was that he had gone through his schools and colleges without any credit to himself, but without any charge of immorality or without being expelled for misconduct. These accretions of hate, which are the commonplace of political slander, were the "common report in London" among the enemies of dissent. Indeed, you will find that many really good men among the dissenters were similarly charged with foul crimes and evil habits; for it has always been the custom of our gayest men of letters to describe picturesque nonconformity in the garb of Mawworm or Chadband.

The later pamphleteers who wrote to tickle the ears of the Court, could not libel Titus Oates too coarsely. But it was really scarcely necessary to invent things against him. When he left Cambridge, at the age of twenty, he was a pitiable failure in life. He was in debt, he had no degree and no friends to help him. Moreover, he was an ill-mannered creature not likely to attract the great. "I knew Oates," says Oldmixon; "he was dull enough and as impudent as dull, no more capable of forming the plot, even as Echard has copied it, than of writing *Paradise Lost*." He describes Oates in another passage as "a passionate rash half-witted Fellow, and his want of judgment might run him a little too far in particulars, but that there was a reasonable Plot in general, and that the persons he accused were particularly engaged in it there is no Room to question." These passages are seldom quoted as not falling in with the theory that Oates was a super-monster, but to me they have the note of truth in them, for they are at least a human estimate of the man, and account for his foolish and extraordinary actions.

His critics make great play with Titus Oates's ugly carcass. Roger North says that "he was a man of an ill-

cut very short neck, and his visage and features were most particular. His mouth was the centre of his face and a compass there would sweep his nose, forehead and chin within the perimeter." North goes on to call him a saucy, foul-mouthed wretch, and he tells us also that he had the true dissenter's drawl, calling out, "Aw Laard, aw Laard, aw, aw!" when the evidence disappointed him. This loud, nasal nonconformity has always aggravated the bitterness of a mumbling orthodoxy. He was, at least, the equal of Jeffreys in his capacity for foul-mouthed abuse. And though his portrait does not make him physically ugly, he had not the youthful beauty of Jeffreys and Monmouth.

Nothing seems to be known of his life after he left college, but in 1673 he took orders and was presented to the living of Bobbing in Kent. He then obtained a licence for non-residence, and became his father's curate at Hastings. He and his father brought a charge against a local schoolmaster, and the jury disbelieving his evidence, the prisoner was acquitted. He took action against Oates for £1000 damages. Whilst this was pending against him Oates was arrested to await trial. It is said that there was also an indictment for perjury against him, but it was not followed up. Later on he escaped from jail and was a chaplain in the Navy and made a voyage to Tangier. It is said he was expelled from the Navy.

The evidence of these matters is obscure, but witnesses were called at the Plot trials to speak of them. Bishop Burnet is the sole authority for the statement that his expulsion, if any, from the Navy was on a complaint, not a conviction, of indecent conduct. This may be true and has been constantly repeated. Without accepting Lord Aylesbury's verdict that Burnet was "a lying knave," he was certainly a prejudiced witness, and his History has been wittily described as a mine of inaccurate information.

To me the most interesting witness as to Titus Oates's youthful character is that of Sir D. Ashburnham, who was

called in Ireland's case for the defence. He was, I think, M.P. for Hastings, and says: "I do know Mr Oates and have known him a great while; I have known him from his cradle, and I do know that when he was a child, he was not a person of that credit that we could depend upon what he said," and he adds the very sensible remark that had the discovery of the Plot come only on his testimony, he would have discredited it, but that the corroborating circumstances had convinced him of its existence.

That Oates should fall under the spiritual influence of the Rev. Israel Tonge was very natural, for they were moved by kindred religious enthusiasms. Both were obsessed with a real fear of the plots of the Jesuits to destroy the Protestants and to re-establish the Roman Catholic religion in England. From the times of Elizabeth and James I. there had always been conspiracies and plots to restore the old religion, just as there were Jacobite plots at a later date. The air was simmering with rumours of Catholic plots. And now that the Queen was surrounded by priests, the Duke of York was admittedly a Catholic, and Jesuits were more or less openly walking about the land, Israel Tonge came back from Tangier to a living in London and another in Hereford, and devoted his life to a study of the subject.

For years other scaremongers had warned the nation of the coming danger. The condition of things was not unlike the years preceding the Great War. Men who travelled abroad came back to England with tales heard on the Continent of preparations for the subjection of England and the establishment of Popery. Charles II. was distrusted by his countrymen; the Catholic party began to raise their heads; the Protestants took alarm and the Dissenters lived in fear and trembling. But scare pamphlets were not selling well, and Tonge was looking for something far more to the point than new rumours. He had already heard a story in 1675 from one Richard Greene, when he was in Herefordshire, that the gist of the latest plot was to murder

Charles II. and proclaim James king. This fell in with his researches, which were not only literary but astrological and even occult, and he arrived at a sincere conviction that a vast calamity was going to overpower his beloved country.

Whether, as I think, he already knew Titus Oates, or only came in contact with him at this date, is no matter, but Oates came to him with sheaves of material for his harvest of discovery and exposure. It has always seemed to me unlikely that Titus Oates really intended to become a Roman Catholic. If he did and then deserted his religion to sell those who had welcomed him, he was indeed a despicable person. But if he entered the fold as a spy with intention to learn the secrets of the enemies of his country and expose their conspiracies his conduct was base, though in a different degree.

No one can say with certainty, but it appears probable that his enthusiasm and early upbringing, and possibly his alliance with Israel Tonge, decided him to venture into the camp of the enemy. Having determined upon this dangerous project, there is no doubt that he carried it out with great pertinacity and success. His own account of his proceedings is given in the Trials of the Five Popish Lords. A lot of it is undoubtedly a true narrative.

It appears that he was introduced into the service of the Duke of Norfolk in 1676 as a Protestant chaplain. The stories of his well-known immoral character are somewhat discounted by this happening. He must at least have had some testimonials and references to produce. He tells the Lords on the Bench that "having had strong suspicions for some years before, of the great and apparent growth of Popery, to satisfy my curiosity I pretended some doubts." He found the regular priests knew nothing for his purpose, and through one Hutchinson, a man he describes as "a saint like man, or one that was religious for religion sake," he was introduced to the casuists, "those of the Society" who were "cunning politic men," and he pretended to be

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convinced by their arguments and desired to enter the Church, "and accordingly on Ash Wednesday 1676-7 I was reconciled."

I see no reason to doubt this. Oates went into the Roman Catholic Church as a spy, and the Jesuits at first regarded him as a useful capture. He had been a minister of the Church of England, and they no doubt thought if he proved honest and sincere he would be a valuable servant. For the purpose of his further and better education, he was now sent to Valladolid, to the English Jesuit Seminary there. He never became a priest, far less a doctor of divinity of Salamanca, as he claimed to be, and in five months he was, as his biographers say, "expelled." Whenever Oates moved about anywhere, his enemies say he was "expelled." But the English Catholics and the Jesuits in London received him with favour, and gave him a new suit of clothes and a periwig and sent him to St Omer with money in his pocket. There he remained until June 23rd, 1678, when he was again expelled, and on the 27th reached London and straightway went to his friend Dr Israel Tonge, the rector of Wood Street.

To him Oates unfolded a terrible story, and Tonge, who was thirsting to hear any horrors about Popery, lapped it up with childlike gluttony. Oates claimed that he had picked up in talk with the Jesuits the details of a Popish Plot. There are still some folk who think that there never was a Popish Plot. There are also people who credit Oates with the ingenuity of having invented it all. But in the light of modern knowledge, it is clear that Oates had heard a great many things about a plot—or perhaps we should say plots—directed against the constitution and established religion of the country. It is only in recent years that the truth about the matter has leaked out, but Oates had gained a lot of true information of the intentions of the left-wing conspirators. Also, being an enthusiast, a reckless and imaginative person, with, as I believe, a real hatred of

TITUS OATES

From the mezzotint in the British Museum.
Engraved by R. Tompson from the portrait by Thomas Hawkes.

Popery, he was quite ready to garnish what he did know with lies to tickle the palate of the groundlings.

But for this insolent, thrasonical liar, with his knowledge of the enemy's designs, picked up in the gossip of the seminaries, his anabaptist hatred of their religion, and his determination to let slip the dogs of war before the plotters had captured the citadel, it seems more than likely that Charles and his brother, with the money of Louis XIV. and the generalship of the Jesuits, would have had time to complete their plans of establishing the Catholic religion in England.

Doubtless this would have merely hastened the Revolution and driven out the Stuarts earlier; but the point we are interested in, in seeking to account for the Bloody Assize and its horrors, is that the persecutions and trials of the Catholic suspects were started by an anabaptist rascal, that his call to arms against Rome found an echo in what orators call "the great heart of the people," and that for many months this strange creature was hailed as the Saviour of the People, and had Lords and Priests, grave Councillors and Judges on the Bench, treating him as a prophet inspired with a message from above.

Although the whole of the story of the Bloody Assize is founded on theological controversy and religious hatred, it is difficult to understand to-day how any sane being, by any exercise of faith or credulity, could conceive of Providence working its will through such vice-regents as Titus Oates, Charles II., Louis XIV., the Duke of York, or the Jesuits. But you cannot appreciate the position of Titus Oates without trying to realize the strong enthusiasm that he aroused among thousands of men and women of simple faith. In the same way the devoted and dangerous missions of the Jesuit priests in England evoked much admiration among the more enthusiastic Catholics, and though treasonable to their country, their mission was undertaken from higher motives than those that inspired Oates.

From June to September Oates was preparing his celebrated *True Narrative of the Horrid Plot.* It is a stupendous farrago of lies, romance and gossip, but it had that basis of truth in it that made it a warning to Englishmen that their country was in danger. The King was first approached separately with a caution that his life was in danger. As the King, since the secret Treaty of Dover, was himself actor, art and part in a real plot, he made light of the warning of other plots. Obviously Charles II. was the last man in the country who wanted any enquiry into the business of plots and *conspirations.*

It was on September 6th that Titus Oates and Israel Tonge visited Sir Edmund Berry Godfrey, the magistrate, and in a long deposition Titus Oates swore that he had evidence to produce that went to prove a plot to kill the King and place the Duke of York on the throne, and to substitute a Roman Catholic Ministry for that in existence, to the end that they might establish their religion throughout the country.

By going before a magistrate and swearing to his story, Titus Oates had made it impossible for the Court party to refuse to take up the challenge. The King could not ignore the charges against the Catholics, and the Council could not for long delay the investigation of the matters laid before them. From that moment war was inevitable. There was bound to be a fight to the finish between Catholics and Protestants, between Whigs and Tories, a fight for liberty and freedom from foreign political and religious interference with English concerns. Ruffian and liar as he was, Titus Oates had a fighting instinct and a certain hardihood or even bravery in risking his life in a battle with the principalities and powers of the world, seeing that he had only the support of the ragged battalions of the vulgar mob of dissenters, and had no certainty that the trained troops of the Whigs would march to his assistance.

I confess to an admiration of the audacity of the man,

and the more I read the Court pamphleteers and their respectable historical copyists concerning the foulness of his character, the grossness of his perjuries, the contempt and hatred with which he had been expelled from all societies into which he had ventured to poke his nose, and the degrading ugliness of his personal appearance, the less I am inclined to accept their theories of his great powers of imagination and his wonderful skill in imposing false stories on the public. The explanation of his strange adventure is something far more simple.

But before we can describe the first skirmishes on the field of battle, we must set down shortly the history of Judge Jeffreys, for not until we have brought these three actors, Monmouth, Oates and Jeffreys, into the first scenes of our drama, which opened in 1678, can we proceed with any orderly history of the story of the Bloody Assize.

Chapter IV: *George Jeffreys*

A GREAT deal has been done to deodorize the memory of Jeffreys, and if it were possible to write his biography without reference to the Bloody Assize and other criminal trials, in which his lust of cruelty overpowered his common sense, some kind of entertaining inoffensive portrait might be made of a clever, self-seeking lawyer climbing to the top of an exceedingly slimy pole.

H. B. Irving's apologia for the life of Jeffreys is a classic. It will never be better done. But reading the essay carefully again, I feel that in smoothing out the wrinkles of rascality he leaves his hero insipid and wanting in character. Jeffreys, to be true to life, must be as bloody as Macbeth without his infirmity of purpose. The attempt to canonize him was bound to fail, and in the end you cannot see the saint for the whitewash.

Jeffreys was a year older than both Monmouth and Oates, having been born in 1648 at Acton, near Wrexham, in Denbighshire. H. B. thinks that the Jeffreys family were dissenters, and that little George took a dislike to their ways in childhood. This seems to me fanciful. The family were, like many Welsh gentry of that day and this, of the stock whence the English obtained their clergy, lawyers and officials. George left home very early. When quite a child he was sent to Shrewsbury, and at the early age of eleven he left there for St Paul's, where he gained a good character for attention to his classical studies. At thirteen he was removed to Westminster, then under the rule of the famous Dr Busby. When he was Lord Chief Justice he quoted his old schoolmaster as an authority for the grammatical proposition that it is " a positive rule in grammar

that the relative must refer to the next antecedent," adding as a *reductio ad absurdum*, " else Dr Busby (that so long ruled in Westminster School) taught me wrong." This he did to ridicule the arguments of the Attorney-General and Solicitor-General, who were supporting the indictment of their junior, Roger North, the Chancellor's brother, and the Chief was out to quash it in order to annoy his colleague on the other side of Westminster Hall. Similar judicial amenities have occurred in more recent years. Jeffreys delighted in teasing North.

Lord Campbell, in his *Lives of the Chancellors*, quotes stories of Jeffreys' youthful iniquities, which, even if they were authentic, would not be worth retailing, and there is a well-known story about his father, who wanted him to go into trade rather than into the law, and when his son announced his determination of entering at the Temple, said: " George, George, I fear thou wilt die with thy shoes and stockings on." These mythical sayings surround the history of many men of note, and are commonly found in memoirs of enemies written after their victim is dead.

Jeffreys went up to Trinity College, Cambridge, in March 1662, but remained there only a year and then entered the Inner Temple as a student. Here he worked for five years, so that although he was only twenty when he was called to the Bar, he had spent the best educational years of his life in actual apprenticeship to the profession he had chosen. A law student who reads law and walks the Courts, as a medical student walks the hospitals, comes to the practice of his profession equipped for actual business; and Jeffreys' readiness and capability, that led to his rapid success, were largely due to the fact that the Temple was the university in which he obtained his degree.

That his contemporaries regarded him as an adventurer, and that he had no sense of the sacred etiquette of the Bar, which is always easier of observance for the well-to-do than for the struggler, are facts which cannot be disputed.

Francis North, Lord Keeper Guildford, who disliked Jeffreys, much as Lord James of Hereford would have disliked Sergeant Buzfuz or Mr Stryver, says of him that "his beginnings were low. After he was called to the Bar, he used to sit in coffee-houses and order his man to come and tell him that company attended him at his chamber; at which he would huff, and say, 'Let them stay a little; I will come presently.' This made a show of business; of which he had need enough, being married and having several children."

And if Jeffreys had been remonstrated with by North on account of the indecency of his conduct, he would have said, as Mr Stryver did, "I do it because it's politic; I do it on principle. And look at me! I get on." And it was necessary for Jeffreys to get on. Like John Scott, Lord Eldon, he had married very young, and when he rose to address the Courts maybe he, too, felt his little children tugging at his gown and urging him to exertion and success.

I like the story of Jeffreys' first marriage. It is a romantic comedy by no means discreditable to the hero. It appears that at the age of nineteen he was laying siege to the heart of a young heiress in the city. At this time, before high living had coarsened his features, he was a handsome youth, refined and elegant in figure, with a rather small head covered by thick brown hair, large dark eyes, a finely curved mouth, his hands peculiarly small and delicate. Little wonder that the city merchant's daughter no sooner looked than she sighed; her learned lover was quick in the argument of reason, and they planned the remedy.

There was a young lady named Sarah Neesham, the daughter of a clergyman, the companion of the girl; probably Sarah should have played the duenna, but she cast herself for the pleasanter part of go-between. All was tending towards a post-chaise and marriage bells when the city merchant discovered the conspiracy; his foolish

daughter was carried into the country, and Miss Neesham sent about her business.

The companion ran to tell Mr Jeffreys the terrible news. She was thrown on the world with £300. The young law student had nothing but the usual "precarious allowance from a justly outraged parent." Possibly Sarah had charms more to George's taste than the little heiress, or maybe his legal training suggested she was entitled to compensation for disturbance. At all events, he offered her himself, together with all his castles in the air and the appurtenances thereof, and she surrendered herself very willingly to the ardent youth. On May 22nd, 1667, the happy pair were married in the Church of All Hallows, Barking. "Sarah," says H. B., "was a good wife, and repaid her husband's generous act by a constant affection and six children."

But even in an age that knew no income tax this young family necessitated immediate success at the Bar in the young lawyer. So that if, to the disgust of Francis North and the older bigwigs, Jeffreys took a short cut to business by making friends with young attorneys and their clerks, entertaining them with songs and stories in taverns, and later on, when he was more prosperous, feasting with aldermen and merchants and returning their hospitality, he could at least plead the most favoured extenuating circumstances of such wrong-doers, his effort to provide for his wife and children.

He soon had a big business in the Guildhall, at the Old Bailey, and at Hicks's Hall where the Middlesex Sessions were held. The author of the scandalous *Life and Death of George Lord Jeffreys* agrees that he had "a fluent tongue, an audible voice and good utterance," very precious gifts for a young advocate; he was undoubtedly a good cross-examiner of the bullying type, and his bold presence and fearless manner made him a popular favourite. Alderman Jeffreys, a namesake, but not, I think, a relative, took a fancy to this attractive, clever, eager youngster and

advertised his abilities in City circles. So also did Sir Robert Clayton. He was a wealthy scrivener, and in 1671 was elected Sheriff and knighted at the Guildhall; and in this same year Jeffreys was, at the age of twenty-four, elected Common Serjeant of the City of London. Clayton was a Whig, and in after years a great City magnate, in antagonism to the Court, but H. B. thinks his friendship for Jeffreys continued to the end. There is no doubt he was a valuable patron at the first to this pushing young man.

Now that Jeffreys was Common Serjeant he began to practise in Westminster Hall. He found, however, that to do any good in the higher branches of the profession he must make his way at Court, and here his City friends could not help him. Indeed, he had got all that he could out of the City, and his place-hunting instincts turned his attention to the Court.

Anyone who could tell tales of what was going on in the City could easily get an introduction to the notorious William Chiffinch—Pepys's "Mr Chevins"—page of His Majesty's bedchamber and keeper of the King's closet. And if you had information about the doings of the enemies of the Court you could obtain the best price for it by telling it to this arch-priest of the mysteries of the backstairs.

George and William were *Arcades ambo*, contending shepherds, not only in fleecing silly sheep, but gay fellows when the shearing is over and it is time to fill the flowing bowl and drink to the success of the day's work. George was a heavier drinker than William, but William was more knowledgeable in the art of intrigue. He had his spy office in a lodging facing the river adjacent to the Privy Stairs and the King's apartments, and this was the conduit pipe to royal favour. Here George and William would have a revel of song and story over a supper of pickled herrings and cold chickens, and drink His Majesty's health in a variety of wines from the royal cellars until both were merry.

In this way was the business of the Court carried on. Jeffreys was a man after the King's own heart—and ready to serve him, as and when required, for money and advancement. He was soon introduced to Louise de Querouaille, Duchess of Portsmouth, the French mistress with the baby face, brought over by the King's sister, the Duchess of Orleans, as a present from Louis to Charles and left with him as a spy in the interests of France. Jeffreys had his own intrigue with Nelly Wall, the Duchess of Portsmouth's woman. He used to boast in his cups that as long as Mrs Wall was his mistress, and the Duchess was her mistress, and her master's mistress, he could have his way with the Court.

We need not wonder, then, at his rapid promotion. He was made Solicitor-General to the Duke of York in September 1677, and was knighted at Whitehall. Within a few months he became Recorder of London, but the aldermen were already beginning to doubt the fealty of the young champion they had chosen so early to fight their battles. No man could serve the City and the Court.

His first wife had died, and whilst he was canvassing for the Recordership he married the brisk young widow of a Welsh knight, daughter of Alderman Sir Thomas Bludworth. There were many rhymes and stories of the railing and brawling of this unhappy pair and the scandalous causes of their quarrels. But these may have been sour inventions to abuse the man who had sold himself to the Court and turned his back on the City.

For now there was no doubt that George Jeffreys had chosen his party. He was already in receipt of some of the spoils of his apostasy. He bought a house at Bulstrode in Buckinghamshire, where, in due course, he became Lord of the Manor. In August, 1678, the King, with the Duchess of Portsmouth, honoured him by coming to dine with him, and it was spread abroad that His Majesty had bade his host to sit at table with him, and drunk his health no less than seven times.

Charles is reported to have said of Jeffreys that he had "no learning, no sense, no manners, and more impudence than ten carted street-walkers." But I do not think, with Macaulay, that he regarded the man with scorn and disgust. I expect if he used the phrase he spoke in jesting exaggeration, for Charles liked impudence.

Once before the Privy Council Jeffreys appeared for the Stationers' Company against some printers for the offence of printing the *King's Psalter* in violation of the Company's rights. "These fellows," said Jeffreys, with a smile to His Majesty who presided, "have teemed with a spurious brat, which being clandestinely midwived into the world, the better to cover the imposture they lay it at your Majesty's door."

Here was glorious impudence indeed, but Charles showed no disgust at it, and merely turned to the Lords near him, saying, "This is a bold fellow, I'll warrant him!" It was easy to be bold before a monarch who had drunk with you overnight in company with his mistress, and Jeffreys' boldness was kept for such occasions, and for use and abuse on the Bench to revile and torture the victims of his hate.

Like all converts, he was soon loud in vilifying his old friends the City Whigs. It may, perhaps, be said in his defence that he would in any case have preferred to live among the courtiers, and now he was among them he merely did as they did.

For it is difficult to picture him having any sympathy for the sane and sombre ideals of the business men of the nation. They were, for the most part, Whig and Protestant, whilst a good many were even dissenters. Now Jeffreys had a real hatred and loathing of dissenters. Even had he at any time desired to do justice to them, of which there is little evidence, he seems to have been mentally incapable of regarding a dissenter as a human being within the curtilage of the protection of the law. To Jeffreys, dissenters were

vermin to be destroyed. And that is equally true of Titus Oates in relation to Roman Catholics, against whom this wretched man had the same zeal of hate and the same mania for their destruction. Nor was either of them without followers who applauded their manifestations of religious hatred and malevolence, and it is from the abandonment of successful party men to orgies of persecution that we owe the tragic results of the Popish Plot and the Bloody Assize.

Jeffreys' instinctive hatred of the dissenters first exhibited itself in the trial of Lodowicke Muggleton. Muggleton was certainly a fanatic, but equally certainly he was a man of sober conduct and considerable practical godliness. He was prosecuted for a blasphemous publication in 1677 before Lord Chief Justice Rainsford, who pelted him with abuse during his trial. After conviction it became Jeffreys' duty as Common Serjeant to speak the sentence of the Court.

Because Muggleton did not quail before him, the judge bawled out at him that he was an impertinent rogue and expressed regret at the "easy, easy, easy punishment" the judges had decided upon. For there was no blood-thirsty whipping in it, as there would have been had Jeffreys had his way. He was to be fined £500, and to be set in the pillory in three places from eleven till one and his books burned in his presence. The poor wretch was nearly killed by the mob, but he lived to see his judges "join King Saul in hell, rejected of God and Muggleton the last true prophet of God." For though a pure-minded soul, he was a tough antagonist and had no charity for those who would not accept his message.

But had Jeffreys had his own way he would have dealt with Muggleton as he dealt with Mary Hipkins and some other women thieves who were before him about the same date. It is remarkable to hear "Mr Chevins's" friend abusing these wretched women for "guzzling in alehouses" and "maintaining their luxury and pride" by dishonest

ways. But it is manifest in the manner of his sentencing these prisoners that, even in his youth, Jeffreys enjoyed the idea of cruelty and delighted to jibe and jeer at the wretches in front of him as he told them their fate. For, having lectured them on their sins and promised them no mercy if they are caught again, he winds up, "And I charge him that puts the sentence into execution to do it effectually, and particularly to take care of Mrs Hipkins, scourge her roundly; and the other woman that used to steal gold rings in a country dress; and since they have a mind to it this cold weather let them be well heated. Your sentence is that you be taken to the place from whence you came and from thence be dragged, tied to a cart's tail, through the streets, your bodies being stripped from the girdle upwards, and be whipt till your bodies bleed."

Jeffreys' apologist speaks of this outburst as "an unfortunate sense of humour." But Macaulay was right in his verdict that even from the earliest, and at this time he was not yet thirty, he delighted in misery merely as misery. "There was a fiendish exultation in the way in which he pronounced sentence on offenders. Their weeping and imploring seemed to titillate him voluptuously." The truth seems to be that, like other debauched human creatures, the man took pleasure in cruelty, and as he inflamed his body with drink and excess of food and grew in power, his lust of cruelty increased, until in later life his foulest actions seem scarcely consistent with sanity.

Chapter V: *The Popish Plot*

M. Rapin de Thoyras, whose *History of England* is of peculiar interest in relation to the period we are dealing with, points out the difficulty of writing historically about matters where every scrap of evidence is tainted with prejudice, religion, passion and party interest. Paul de Rapin was in a position to have heard all about the Popish Plot in his lifetime, since he came over to England with William in 1688 and was tutor to the young Duke of Portland. He was a French Protestant, trained as a lawyer, who had to relinquish his profession of *avocat* at the time of the persecutions which followed the revocation of the Edict of Nantes. He had had personal experience of the methods by which the Roman Catholic religion established itself, but he writes of English affairs with calm common sense. And the position of those good folk who insist that there never was a Popish Plot, except in the lying imagination of Titus Oates, he shows to be quite untenable, though many history books repeat this fallacy in our own day.

Rapin, of course, did not know that Charles II. had made a secret treaty with Louis to establish the Roman religion in England. Nor, indeed, did Titus Oates. But that there was a plot or *conspiration* to alter the government and subvert the Protestant religion was beyond all doubt. Whether it included a design to kill the King is another matter. It seems likely that such a plot to murder Charles was discussed among the more ardent Jesuits. Charles II. was not a man to be trusted to keep his secret word to Louis, but James, Duke of York, was a real Catholic, and to many eager, impatient minds, the removal of Charles must have seemed a necessary step towards a highly desirable end.

The Plot that Oates had heard of and undoubtedly believed in was, like Gaul, divided into three parts. It was a conspiracy :

(1) To kill the King ;
(2) To subvert the Government ;
(3) To extirpate the Protestant religion and establish Popery.

The real danger to the country was (3), and as to the intention of the Catholic party and the Duke of York to bring this about there can be no manner of doubt. Whether Charles's promise to Louis was uttered with any other intention than to obtain money by false pretences may well be doubted. If the intelligent and eager Jesuits had come to this conclusion about the King, his removal on the ground of perfidy and apostasy might well come under discussion.

That Oates and Bedloe were perjurers I make no doubt, but I am also of opinion that they knew a great deal about plots, against the peace of the country, that were hatching among her enemies. No doubt they dramatized and set before the Courts as truths many things that were mere hearsay and rumour.

This is commonly done in times of public excitement. Myths and imagination are dwelt upon by weak and excited people until they seem to them to be fact. In our recent war there were many examples of this. Hundreds of citizens could tell you in detail the story of the Russian soldiers crossing the country in their thousands, the number of German governesses acting as spies, and the tales of gruesome atrocities committed by our foes were vouched for by most respectable witnesses. Moreover, to express a doubt of the truth of the story of any German iniquity was to place yourself under suspicion of disloyalty.

We know now that at the end of the seventeenth century there were many plots engineered and supported by Louis XIV., and worked for by the Jesuits, to destroy the Protestant religion in England. Some English Catholics

still hankered after the destruction of Protestant England, and some were ready to accept French money and French suzerainty as the price of their deliverance from heresy.

Charles I.'s widow, Henrietta Maria of France, was a moving spirit in the plans, and James, Duke of York, was an ardent Catholic and her obedient son. Charles II. approached the matter from the standpoint of Mr Facing-both-ways. No doubt he was always Catholic at heart, but he was sensible enough to appreciate the importance of friendship with the Protestant party in England.

One is not far wrong, perhaps, in visualizing the warring religious sects of the time as similar to our own party divisions, only they were ready to fight their battles with more earnest hatred and coarser brutality. The Catholics yearned for the days when they could burn the Protestants, a feeling strongly reciprocated by the latter. Both parties loathed all dissenters and burned them, when opportunity offered, with hearty enthusiasm. To add to the confusion, there were Anglo-Catholics who sniffed wistfully after incense and Protestants who would have liked to shake hands openly with the natural scientists among the Anabaptists, whose mentality and honesty boggled at old-world myths and mysteries.

It was clearly a poor time for dissenters. At present the Government's apparent policy was to patronize the Protestant Church and help them to destroy dissent. Later on, a policy was tried of tolerance to dissent to overthrow the Protestants. But it is abundantly clear that behind these things there were plots going on to promote Popery; probably, as is general in such cases, there were several semi-detached plots to suit all tastes. Discreet plots for timid plotters, wild murderous plots for ardent fanatics, plots with money in them for useful profiteers. These are the commonplaces of politics.

We know now that in May 1670, Charles's sister, Henrietta, Duchess of Orleans, a devout daughter of the

Church, came over and made on behalf of Louis XIV. the secret Treaty of Dover, in which Louis promised money and soldiers to Charles and he agreed on his part to establish the Catholic religion in England. Henrietta died almost immediately afterwards. The Catholic ministers alone knew of this. Arlington, Clifford, Arundel and Sir Richard Bellings signed this treasonable document on behalf of the English Catholics. Later on a sham treaty was put before all the other ministers. The French money remained in, but the Catholic religion was left out.

This scant outline is enough to make one comprehend how rumour could fly on her accustomed task of putting fear into the hearts of men. No man knew what the dreaded Popish Plot really was. But everyone knew that it included the degradation of the country to the rule of France, the compulsory establishment of Papal domination, the domestic tyranny of priests and the lighting once again of the fires of Smithfield to destroy those who would not bow the knee.

This infamous secret treaty, a counterpart of which remained in the possession of Lord Clifford of Chudleigh, descendant of Thomas Clifford, the English Catholic minister who signed it, did not see the light until recent times. Nevertheless, the fear and terror of the hidden thing in some mysterious way reached the soul of the English people and they visualized it in their own mythical stories of Popish Plots. In such fashion in all ages does the treachery of human rulers work its own undoing.

From this point onwards, Monmouth and the Duke of York were leaders in opposite camps. He was the Protestant Prince and it was the hope of the country that his father would make him his heir. He was made a Lieutenant-General and he served with glory against the Dutch.

The Duke of York had married a Catholic bride, Mary of Modena. The country regarded the alliance with deep distrust, and Charles continued his favour to his son on his

return from France, by making him Commander-in-Chief of the Army, and later on Chancellor of Cambridge. It was at Cambridge that the Chancellor played in John Crowne's masque, "Calisto or the Chaste Nymph," and danced with Henrietta Wentworth, who played the star part of "Jupiter in love with Calisto," whilst the Chancellor was but "one of the men that danced." Soon afterwards she became his mistress, and played her sad part in the tragedy of his life and the rebellion that led to the Bloody Assize.

It would be interesting to follow the alliance between Shaftesbury and Monmouth, best known to readers in Dryden's famous poem, "Absalom and Achitophel." The true history of the business is far removed from the story of the poet. Shaftesbury was a true friend to the people and one of the few statesmen of the day who could not be bought with gold. He had served the King as Lord Chancellor, but now, in 1678, he and his Whig party were in opposition to the Tories. Charles was pleasing his Tory Cavaliers with a forward popular policy against France. The monarchy seemed to have turned from the Roman to the Anglo-Catholic party. The Dutch were to be our allies, the French our enemies. The Duke of York and his Jesuit priests were plotting in secret. If Shaftesbury could have obtained a copy of the secret Treaty of Dover and published it to the world, he and his Country Party could have roused the nation to the danger in which it stood, and there would have been no Bloody Assize.

But the great ones of the earth are not allowed to rule the world according to their own wisdom or folly. They go on lying and deceiving, or at the best compromising and blundering, until, having tied up the complicated threads of human affairs into a hopeless tangle of confusion, Providence, Prospero-like, sends an Ariel to beckon some coarse clown into the drama, who appoints himself a monarch among the moon-calves, and enters his Kingdom to delight his dupes with boastful magniloquence.

And while Charles and Louis and William of Orange and their ministers and advisers were writing minutes and wagging their beards round the Council board, and Shaftesbury and Russell and Algernon Sidney were meeting in the City, and Jesuit priests were creeping up backstairs to the Duke of York, and wretched dissenters marvelling if another Cromwell would arise to save them from destruction, a low-comedy ruffian called Titus Oates, with a stout heart and some sort of conviction and sincerity in his blackguard mind, enters the scene and takes the centre of the stage.

Titus Oates and the Rev. Israel Tonge had finished their investigations of the Popish Plot and were ready to explode the bomb. A friend of theirs, one Christopher Kirkby, a poor gentleman who held an appointment in the King's laboratory, introduced Tonge into His Majesty's presence, to the King's great annoyance. He, however, accepted the copy of Oates's narrative, glanced at it and told him to take it to the Earl of Danby, as he was just off to Windsor.

This was on August 12th, 1678. The three friends waited in deep anxiety to see what would happen. Nothing happened. It became obvious that in official circles the plot to kill the King was not taken seriously, and the plot to destroy the Protestant religion was not a matter to move in.

Oates and his friends, Tonge and Kirkby, now visited the office of Sir Edmund Berry Godfrey. This was on September the 6th. Their fear was that the investigation of the plot was likely to be burked, and it would be wise that some independent citizen should hear of it. This looks to me as though Tonge and Kirkby, and possibly Oates himself, really believed in the truth of the famous *Narrative*.

They did not allow Godfrey on this occasion to read Oates's *Narrative*, but they told him it related to matters of treason that had been laid before the King. Oates made an affidavit of the contents of his information which the other two witnessed. Later on Oates was summoned before the Council, and on September the 28th he

handed Godfrey a copy of his *Narrative*, which was drawn up in forty-three articles, and again took an oath that the contents of it were true. He then carried a second copy to the Council. It seems probable that in his fanatical mind he had a real belief in the truth of the statements he had set down. Those who have lived among affidavits made by ardent suitors will understand what wild falsehoods a human being will "credibly believe" on worthless information.

When you examine this curious document, you find that the author claimed to have heard from Jesuits and others many details of plots to establish the Catholic religion in England, and to murder the King, and if there had been any active movement in following up clues and seizing the correspondence of the parties charged with treason, it seems probable that evidence might have been obtained. Unfortunately, little or nothing was done. One of his charges against the Jesuits was that from the Queen's palace in Somerset House, they corresponded with Père de la Chaise, Louis's father-confessor, who sent over money to further the plot. True, Oates spelt his name "Leshee," but he knew he was "the French King's Confessarius," and when we come to the trial of Edward Coleman, we shall find that he was clearly right about this.

Even the alleged plot to murder the King, with the possibility that James was in it, is not such foolish melodrama as it sounds to modern ears. Charles had cheated the French King and the Catholics, and stood in the way of their policy. As Mr Pollock points out, he and his brother hated each other, the death of the King was talked of in Jesuit seminaries on the Continent, and James was not above tolerating, if he did not direct, an attempt to murder his son-in-law, William III., when he was King of England. In a good cause James had few scruples.

If Oates and Tonge were, as some believe, mere liars without any real knowledge of plots that were undoubtedly stirring in the political underworld, they would hardly

have gone near Sir Edmund, who was, indeed, a godly, righteous and sober man. Moreover, he was a tolerant man, and acquainted with Edward Coleman and other Catholic gentlemen. He was Justice of the Peace for Middlesex and Westminster, and was accounted "the best Justice of the Peace in England." A zealous Protestant, educated at Westminster, Oxford, and Gray's Inn, he was now a substantial wood and coal merchant in Hartshorn Lane, Charing Cross. He took an active interest in the parish affairs of St Martin's-in-the-Fields, and during the Great Plague he remained at his post in London, for which honourable service he was knighted by the King in September 1666.

He was rightly beloved by his fellow-citizens, but being rather deaf, did not go out much into Society. He is described as a tall man walking with a stoop, his eyes on the ground as if in deep thought. He was always soberly dressed in dark clothes, with a lace collar, and wore a broad-brimmed hat with a gold band to it. He was a citizen of the type of Mr Allworthy or the good Mr Burchell, and was the friend of men like Lord Chancellor North, Dr Lloyd, and Bishop Burnet. It seems strange, indeed, that if Oates's statement was but a mere lying invention, he should place it in the hands of a gentleman of Godfrey's character.

Oates was now ordered to appear before the Council, and in his examination he swore to two important matters, Coleman's correspondence with Père de la Chaise, as to which he was right, and his own presence at a consult of Jesuits on April 24th at the White Horse, which is alleged not to be true. It is admitted that there was a consult of Jesuits on April 24th, but that it took place at St James's Palace, the residence of the Duke of York.

The only evidence of this seems to be a statement in Sir John Reresby's *Memoirs* that James II. told him this some five years later. Why James should be believed in preference to Oates on any matter concerning the plot I do not know. If there had not been a consult at the

White Horse, it was a matter that could easily have been proved in the trials, and that would have damaged Oates, but it was apparently never challenged at the time. It may be that Oates was as right about that matter as he was about Coleman, or there may have been two consults.

Godfrey, as I have said, was a broad-minded man. He did not execute the penal statutes against dissenters with any strictness, and he "was not apt to search for priests or Mass houses." Now Coleman used to visit Godfrey under the assumed name of Clarke, and appears to have met him at the house of a mutual friend, Mr Welden, and heard of the danger he was in. In this way Coleman was able to destroy his papers and to warn his friends that their conspiracy was known.

Godfrey's position was a very difficult one. He had no doubt the story of the plot was mainly true. He did not wish to see his friend Coleman get into trouble. On the other hand, once he had spoken to Coleman about Oates's narrative, Coleman would tell his friends, and among the left-wing plotters he would be a marked man.

The position was much like that of the unhappy troubles in Ireland in our own time. There were constitutional workers for the Catholic cause, there were non-physical force rebels, and there was a murder gang, and the three parties were bound together by invisible bonds. A well-meaning man like Godfrey, trying to keep the peace between these allies and their bigoted, terror-stricken Protestant enemies, knew well enough that he was running great risks.

And that after taking Oates's deposition, and being the one man outside the Council who knew the evidence against the plotters, Godfrey moved about in fear of his life, there seems ample evidence. He told his friends that he would be the first martyr, and that probably he would be knocked on the head, and many who saw him spoke of his troubled aspect. Meanwhile, a warrant was issued for Coleman's arrest on the night of Sunday, September 29th, and on Monday he gave himself up.

On Saturday, October 12th, Sir Edmund left his house early in the morning. He was seen talking to a milk-woman near Paddington at nine. About eleven o'clock he was seen coming back to London, and at one o'clock Mr Radcliffe, an oilman, saw him in the Strand, near Charing Cross. He was never seen alive again. The next day his clerk began to make inquiries about him, and his two brothers laid an information before the Lord Chancellor of his disappearance.

Rumours and stories of Godfrey's whereabouts filled the air. It was noticeable that the Catholics explained his absence by malicious suggestions such as flight from creditors, or a scandalous marriage, and the Duke of Norfolk asserted to the Council in Whitehall that he had been found in a house of ill-fame sleeping off a debauch. Nevertheless, Godfrey failed to reappear, and the belief increased in the minds of sober men that he was the victim of foul play, and the general belief grew that the Papists had made away with him.

On Thursday, October 17th, a man came into a bookseller's shop in London and said that Godfrey had been found dead near St Pancras' Church; two friends of Dr Burnet were in the shop and brought him the news. It was the truth at last. It appeared that at two o'clock that day two men walking across the fields at the foot of Primrose Hill saw lying at the edge of a ditch a stick, a scabbard, a belt, a pair of gloves, and under the brambles, head down in the ditch, was a corpse. They reported the matter at the White House Inn, but as it was raining hard nothing was done until five o'clock, when the innkeeper, two constables and a posse of neighbours set out to see the body.

The body rested in a crooked position, the knees touching the bottom of the ditch. A sword had been driven through the body with such force that the point came through the back. But there was no blood on his clothes, his shoes were clean and his money was in his pocket. His breast was covered with bruises, and there was a mark round

his neck from which it appeared that he was strangled and his neck was broken.

Dr Burnet and his friend Dr Lloyd, the Vicar of St Martin's-in-the-Fields, went to view the body and saw all these things, and also noted that " there were many drops of white wax-lights on his breeches; which he never used himself; and since only persons of quality or priests use those lights, this made all persons conclude in whose hands he must have been." An effort was made to suggest that he had committed suicide, but the evidence is overwhelming that it was a case of murder. From the appearance of the body it seemed clear that the murderers had knelt upon his breast, strangled him and broken his neck. The sword was put through his body after death, and the body was carried to the field shortly before it was found.

The death of Sir Edmund Berry Godfrey is generally accounted to be an insoluble mystery, but unless one can bring onself to believe that there was no such thing as a plot, and that no one had a motive to destroy Godfrey, and that the evidence given at the trial of his murderers is all moonshine, the belief at the time that he was murdered by the orders of the left-wing Jesuits seems reasonable enough. Whether the right people were prosecuted and found guilty must be further considered.

Evelyn writes of the murder that it was " manifest " he was strangled by the Papists, " he being the Justice of the Peace and one who knew much of their practices as conversant with Coleman," and Evelyn was not an ignorant, panic-stricken man, and he, too, knew Coleman. Moreover, he was wise in his judgment that this shocking murder, "did so exasperate not only the Commons but all the nation," that it was the direct cause of the excesses against many " honest Roman Catholics who lived peaceably " and had no will to subvert the Government and establish their religion by force and persecution.

Indeed, many modern historical accounts of these times

seem founded on the idea that whatever judges and juries decided and witnesses said and the public believed must necessarily be wrong. The coroner's jury, who saw the corpse at the inquest and heard the evidence, which lasted into a second day, had no doubt in the world that Godfrey was strangled by persons unknown. Their verdict seems to me to be the only reasonable and possible one upon the evidence.

Nor can we say that the people who believed in the terrors of a persecution, or even a massacre of Protestants, were mere fools and cowards frightened at shadows. The King had signed a treaty to convert England by French arms ; and, if he had kept his word to Louis, England would have witnessed a cruel destruction of Protestants similar to that which devastated France a few years later. As for the poor dissenters, they well knew what waited them at the hands of the Roman Catholics.

The sight of the murdered corpse of Godfrey maddened the people of London. Multitudes flocked through Marylebone to Primrose Hill. The body of Godfrey was carried to London in state through crowded thoroughfares, to be laid out in the open street that the citizens might pay their last respects to the honest magistrate who had been so foully murdered.

On October 31st the funeral took place at St Martin's-in-the-Fields. It is said that the bier was preceded by seventy-two clergymen. All the Aldermen of the city and Knights and persons of distinction, to the number of a thousand, followed him to the grave. Dr Lloyd, his good friend, afterwards Dean of Bangor and Bishop of St Asaph, preached his funeral sermon, taking as his text: "Died Abner as a fool dieth ?"

Nor was this text ill-chosen, since it was true also of Sir Edmund Berry Godfrey that "as a man falleth before wicked men so fallest thou. And all the people wept again over him."

Chapter VI: *The Trial of Coleman*

Edward Coleman has never had justice done to his memory, for to those who desire to belittle the Polish Plot his career is a stumbling-block. He was the son of an English clergyman and seems to have been a man of almost the same age as Jeffreys, Monmouth and Oates. His friend, the Rev. Isaac Milles, remembered him as "a youth of bright parts and gentlemanly manners." Youth was no impediment to public service in those days. He was a typical enthusiast both in mind and appearance. Many speak of his lean, withered countenance, ghastly pale, gazing out on the world with sad sunken eyes.

He was, says the Jesuit historian Foley, "a zealous convert to the Catholic faith," but not, I fancy, admitted to the order. He was apparently a married man, and though I have seen him referred to as a priest, this is, I think, an error. He was an ardent convert to his chosen faith, and lived and died to serve it.

Historians speak of him as secretary to Mary of Modena, but he was, in the first place, secretary of James, Duke of York, an important fact in considering his activities. This we learn from Roger North's Life of his brother, the Lord Keeper. Sir Francis North, as Lord Chief Justice of the Common Pleas, accompanied by Mr Justice Rainsford, went the Northern Circuit in the spring of 1676. Coming home, when they reached Lichfield several gentlemen brought the Chief Justice circular news-letters that came to them, "and he perceived that the scope of these was to misrepresent and misconstrue all the public transactions of state, and might have been properly styled fanatic news-letters contrived and dispatched to divers places to stir up sedition."

North made inquiry in London and found that these letters "came from Mr Coleman, then the Duke of York's Secretary." North reported the affair to the King. At the same time the Bishop of London complained to the King about Coleman publishing a book in defence of the Pope's supremacy. "The Duke of York," writes Charles Hatton, "is much offended at ye Bp of London for complaining of anyone of his servants to ye King."

There was official trouble about these things and it was smoothed over in the time-honoured official way. Coleman was dismissed from the Duke's service as secretary in order to placate North and the Bishop of London. He was banished to France, but quietly returned in a fortnight. He was then appointed secretary to the Duchess of York, and everyone was happy.

But it is abundantly clear that in 1676, two years before Oates's narrative appeared, Coleman, secretary to the Duke of York, was spreading sedition in the country, and that when the Duke's attention is called to it he continues to keep him in his household. Both the Duke and Coleman were under Jesuit direction.

And when we speak of Coleman as "secretary" he was something far more important than a mere scrivener. He was the friend of Ruvigny and Courtin and was in the confidence of Barillon, the French ambassador. He kept a sumptuous table, and was entrusted by Louis XIV. with large sums of money to bribe English Whigs and others amenable to money.

And though no doubt in all he did he was actuated by a sincere desire to serve his Church, and was fanatically servile to the orders of his directors, yet he was human enough to expect the reward of high place when his master the Duke of York was the Roman Catholic monarch of a Roman Catholic nation.

This was the man who on Wednesday, November 27th, 1678, appeared to take his trial at Westminster. The case

being considered of grave importance, he was accorded a trial at bar in the King's Bench before Sir William Scroggs, the Lord Chief Justice, Mr Justice Dolben and Mr Justice Wild. Dolben, an ill-mannered though able judge, and by no means a time-server, was removed from the Bench for his independence and honesty in 1681, but restored in the Revolution. Scroggs, like most other public men of the time, has been the target of much abuse and scandal. He was certainly a hard drinker, but he was a scholar, and, it is said, was brought up for the Church, but he seems to have preferred the law and joined Gray's Inn to eat his dinners. Then the Civil War broke out and he went out to fight for the King. He was a man of large build and of jolly aspect, but though he lacked the judicial dignity of modern days, I do not find that he abused his office in the foul manner that Jeffreys did, nor can he honestly be charged with the disgraceful cruelty and bullying indulged in by his successor. He was certainly a sincere believer in the Protestant religion, and had no more doubt in his mind that there was a Popish plot to destroy it than any other English Protestant of his time. That he was biased against Coleman and his friends is obvious, just as a King's Bench judge of to-morrow would be biased against a Communist found in correspondence with the statesmen of a foreign and hostile nation and engaged in a plan to destroy the existing government and religion.

If you read the account of his conduct of Coleman's trial, and can put yourself in the judicial setting and atmosphere of the seventeenth century, I believe you will be satisfied that Scroggs tried the case with fairness, but on the facts and Coleman's own letters, there was no real defence to the indictment.

Scroggs has been blamed and was in fault, according to the highest standards of judicial demeanour, in interrupting Coleman's evasive defence. But when I read his saying to Coleman: "You have such a swimming way of melting

words that it is a troublesome thing for a man to collect matter out of them." I, too, who have suffered, listening painfully to avoidance without confession, feel that there were extenuating circumstances for the judge's impatience.

But Coleman had, of course, no counsel and had to put up what fight he could for himself. His witnesses, such as they were, could not be sworn, but the Crown counsel and the judges could and did cross-examine, reprimand and ridicule them. Spies and informers like Oates and Bedloe, who were witnesses for the Crown, were protected by the judges, and the rule that they should be corroborated was not too carefully adhered to.

A trial at bar took place in Westminster Hall. The King's Bench Court was a pen on the top left-hand side of the hall, the Chancery judges sat in another on the right, and the Exchequer in a longer pen just at the right hand of the doors at the entrance to the Hall. The rest of the great space of the floor was open, except for the counters on each side of it, where the book and print sellers, and millinery and glove and wig makers exhibited their wares.

The judges certainly sat in open court. There was ample publicity and the Hall was crowded with anxious Protestant citizens, town idlers and curious courtiers eager to report how things were going to Coleman's friends in Whitehall.

Some day it is to be hoped that a histrionically-minded lawyer, will write a treatise on the scenery and properties of law courts from the earliest times. He will perhaps be able to find the date and designer of England's first jury box, and if the fit-up remains anywhere it should be rescued and find an honoured resting-place in Westminster Hall.

I do not know the exact date of the introduction of jury boxes, but there were none in Coleman's time. The Judges sat on a high bench without desks in front of them. They seem to have had an ink-pot on a cushion at the side,

and held the note-book on their knees. Beneath them was a table at which the Clerk of Arraigns sat with his indictments. The Serjeants generally sat at the sides of this table. At the end of the table was a bar which was the standing place for the jury. Behind that bar and often on a raised platform there was another bar where the prisoner stood, surrounded by jailers. It was the rule to finish a trial in a day. The judges would sit late into the night and the jury and prisoners stood during the whole proceedings. I should suppose a juror to-day has a legal right to a seat, but not, I think, a prisoner.

The whole criminal procedure of the time was as inefficient as the court furniture. The amount of injustice inflicted at sessions and assizes on all prisoners, especially the poor, must have been enormous. But every age thinks its penal code perfection, and Scroggs, L.C.J., seems to have carried out his duties with satisfaction to himself, the public, and even the prisoner. The methods of inquiring into the truth were faulty, but the results arrived at were often the right results. You may say much the same of legal procedures in modern civilizations.

Of all lonely human beings in need of sympathy and consolation, I think the man in the dock, round whom the lawyers are drawing closer every moment the meshes of the net of the law, makes the most abject appeal to his fellowmen, and is rejected by them with a strange and callous indifference. There was no one in Court to pity Coleman, the earnest zealot, standing between the warders before judges and a jury who regarded him with loathing, surrounded by a mob thirsting for his blood, deserted by the priests, princes and courtiers in whose service he had spent himself, and listening to the learned men of law weaving the shroud of evidence which is to envelop him in death.

And when he heard the indictment read, his wit and good sense must have told him he had no defence to it; and again when the lawyers read his letters he must have

seen the verdict in the faces of all around him and heard the expectation of it in the murmurs of the mob in the Hall.

The charge against the prisoner was that he had committed high treason by endeavouring to subvert the Protestant religion, to stir up rebellion and sedition, and to kill the King.

These were the three charges against the other prisoners that were tried for being parties to what was known as the Popish Plot. Many were guilty of the first two, no doubt, but the plot to kill the King was quite a different affair. Those whose memories go back to the days of the Parnell Commission will remember that many honest and respectable English patriots believed that everyone who supported Home Rule was a traitor, and a tacit if not an active partisan of the murder gang with its headquarters in Dublin, a few adherents in England, and a large body of subscribers in the United States.

Pigott was a similar figure in history to Titus Oates. He was lauded by *The Times* and the Conservative party of the day, just as Oates was by the Whigs and Protestants of 1678. Pigott, like Oates, had lived among the plotters and knew some secrets, but was not definite enough for his employers, and had to resort in the end to perjury and forgery. A generation that has seen Sir Richard Webster, the soul of probity and honour, put Pigott in the box as a witness of truth, has no stones to throw at the Crown Counsel of the time of Charles II. in their use of Titus Oates.

We must remember, too, that assassination plots were not regarded with the same disfavour then as they are nowadays. "Lying Dick" Talbot, who was a great favourite of the Duke of York, and had been his gentleman of the bedchamber, was certainly party to a plot to murder Cromwell. He was one of the Popish plotters, too, and was in Ireland at the time of its discovery. When James came to his own he created this scoundrel Earl of Tyrconnel,

and appointed him Viceroy in Ireland, where he was sent to pay off old scores and rob and persecute the pestilent heretics who had settled there.

The idea that James and his Catholic friends might ratify or even connive at a removal of Charles II. in the interests of the holy faith was no more fanatical than the fear of political murder in Ireland in modern times. It is fanciful to suppose that an enthusiastic left-wing Jesuit would be shocked at a plan to replace such an unsatisfactory ruler as Charles by such a devout and eager convert as James, who, as events proved, was very ready and willing to place himself at the head of a crusade to destroy Protestantism, and ultimately drove the country to revolution by doing so.

In a pamphlet published by order of the House of Commons in 1680, which claims to set out "The Papist's Bloody Oath of Secrecy," in which Robert Bolron, a north-country witness against plotters, sets out his experiences, the kind of thing that was supposed to be going on among the extremists is detailed.

Bolron was a manager of some Newcastle coal-works for Sir Thomas Gascoigne. It is easy enough to assert that he was a liar and a dishonest person, and spiteful in his evidence. It may be so. At the same time the idea that Oates in London, Bedloe in Bristol, and Bolron in Newcastle all suddenly invented the same plot in the same way out of their own heads has never appealed to my common sense.

Bolron was a Papist, and his story was that he was approached by the priests to take an oath to support the plot. He copied the words of this oath after it was administered to him from Sir Thomas Gascoigne's breviary. It is a long document, and sets out many things that a colliery manager would find difficult to invent.

After asserting the power and rights of the Pope, it continues: "Therefore to the utmost of my power I will defend the doctrine and his Holiness's rights against all

usurpers whatever; especially against the now pretended king of England, in regard that he hath broke his vows with his Holiness's agents beyond seas, and not performed his promises in bringing into England the Holy Roman Catholic Religion."

Now the only persons in England who knew that Charles had promised to bring in the Catholic religion, and had drawn money from France on the strength of his promise and had since broken it, were a few Catholic lords, the Jesuit emissaries who were angry and disappointed at his perfidy, and the French ambassador.

That Mr Bolron could have had exact knowledge of State secrets such as these seems impossible. Rumour no doubt was rife, and the leakage was caused by the Jesuits, who were swarming over the country recruiting for the cause. But until Dr Lingard, about a hundred years ago, published the text of the secret treaty from a counterpart in the collection of Lord Clifford of Chudleigh, the actual contents of it were known to few. I fail to see therefore how Bolron, the colliery manager, could have imagined or learnt it, and woven the strands of the secret treaty into a long and elaborate religious oath which has the outward literary form of a responsible official production. This seems to me so improbable that I prefer the simple explanation that there was such an oath, and that the priests on the left wing of the plot were administering it to persons they thought suitable to their ends.

The oath, of course, went on to declare the Protestant religion "heretical and damnable," and a promise was made "to extirpate and root out the said Protestant doctrine, and to destroy the said pretended king of England and all such of his subjects as will not adhere to the holy see of Rome."

With James, the next heir to the throne, now a declared Catholic, and his secretary, Edward Coleman, actively engaged in correspondence with Père de la Chaise, the plot

was something more than a wild-cat adventure, though whether Coleman had given his support to all the worst projects of the left wing can never be known.

This was Oates's first appearance as a witness. He did not identify Coleman at the Council meeting as a person he had seen before, but he detailed several actions of Coleman, and at the trial swore he was present at Wild House, Lincoln's Inn Fields, where the Spanish ambassador had apartments. Oates swore that he was present at a meeting there after the great consult of Jesuits in London in April, and that at this meeting the King's murder was discussed and Coleman was present.

The impression left on my mind in reading Oates's evidence is that he knew by hearsay, and in some instances at first hand, a great deal about the movements of Coleman and other conspirators, but being a braggart and reckless liar he made himself an actor in scenes which he had only heard of from those who had played real parts in them.

For at the trial he was swearing to things he said he had seen, but before the Council he had only urged them to arrest Coleman on suspicion, saying, "I thought if Mr Coleman's papers were searched into they would find matter enough against him in those papers to hang him." In this way he got a warrant against Coleman, who as we know had had previous warning and been able to destroy most of his papers. But enough remained to show that what Oates had learned about Coleman was based upon hard fact.

Bedloe, who was used by the conspirators to carry letters between England and France, spoke to having taken Coleman's letters from Father Harcourt, who was active in the plot, and delivered them to Père de la Chaise. This was very probably true, for Bedloe seems to have been an adventurer of the type of Nym or Pistol, ready to earn a few guineas by carrying letters that it was not safe to send by the public posts.

And that such letters were passing is clear from those that were proved in Harcourt's case which, as Mr Pollock agrees, confirmed Oates's evidence in a remarkable manner. For at the Harcourt trial they read the letter of Father Petre, or Peters, the Duke of York's confessor, calling on the Jesuits to join the famous consult on April 24th in London, in which "every one is minded, also, not to hasten to London long before the time appointed, nor to appear much about the town till the meeting be over, lest occasion should be given to suspect the design. Finally, secrecy as to the time and place is much to be recommended to all those that receive summons, as it will appear of its own nature necessary."

What the "design" was is something far nearer to the imagination of Oates than the polite apologists of the Jesuits will allow, and that he had rightly foretold what could be proved against Coleman shows that he had inside knowledge of that design. There is a good deal of shrewdness in Evelyn's remark that the "merit of something material which he discovered against Coleman put him in such esteem with the Parliament, that now, I fancy, he stuck at nothing and thought everybody was to take what he said for gospel."

But Coleman's guilt was proved at his trial not by the evidence of Oates or Bedloe, but by the actual letters in his own writing, the authenticity of which he did not dispute. Boatman, his servant, who was with him for five years, spoke to his handwriting and to his continually receiving packets of letters from beyond seas, including letters from Père de la Chaise, and of a large book, not now produced, into which his own letters were copied.

The first letter read was dated as far back as September 1675. In this Coleman speaks of the Duke of York as "my master," and pleads for £300,000 from France, which would "certainly procure a dissolution," and then they could get on with the business of implanting the

Roman Catholic religion. At this time, of course, there was no question of killing Charles, because he had not yet openly broken his promises, and Coleman supposed with reason that both the King and the Duke of York were at one with France in the great project of the destruction of Protestantism.

And to carry out this, Coleman writes that "we have two great Designs to attempt this next sessions. First, to get Parliament to put the Duke of York at the head of the Fleet, and secondly, to get an Act for the General Liberty of Conscience." The Catholics often used to promise the simple dissenters liberty of conscience, so that they could openly practise their own religion, though of course once in the saddle they would have dealt with anabaptists and other heretics in the traditional manner, and Coleman apologizes for even mentioning to his correspondent in France, probably Père de la Chaise, such a shocking thing as liberty of conscience, by adding that if such a measure is passed, "we shall in effect do what we list afterwards."

It is interesting that in Oates's list of noblemen and gentlemen in the conspiracy Lord Arundel of Wardour is set down as the coming Lord Chancellor. In 1686 James II. made him keeper of the privy seal in place of Lord Clarendon, to the disgust of Protestant England. Oates also said that Edward Coleman would be Secretary of State. One of the letters proved against the prisoner was a draft declaration for the dissolution of Parliament written by Coleman for the King as his secretary. Whether the King was to be James or Charles does not appear.

There was also another letter which Coleman confessed that he himself wrote and counterfeited the Duke's name. And although the prisoner said to the jury, "Do not think I would throw anything upon the Duke," it seems difficult to believe that the Duke was not a party to the letter. Counsel for the prosecution, however, in reading the letter, protested that they understood that it was "contrary to

the Duke's knowledge or privacy," and that when Coleman told the Duke about it, he was angry. However, in this letter the Duke is made to approve of all that is going on and to applaud the exertions of Father Ferrier and Sir William Throckmorton, and " Coleman, one of my family, in whom I have the greatest confidence." It is possible to believe that the Duke knew nothing of his confidential secretary's letters, but it is stretching credulity beyond reasonable limits.

The last document that was read convinced not only the jury, but the world at large, of the serious nature of the conspiracy in their midst. The Attorney-General did not put it too strongly when he said, " If we had proved nothing by witnesses, or not read anything but this, this one letter is sufficient to maintain the charge against the prisoner."

It was written to Père de la Chaise, and enclosed a cypher for use in further correspondence. Moreover, Coleman wrote that " When anything occurs of more concern, other than which may not be fit to be trusted even to a cypher alone, I will, to make such a thing more secure, write in lemon between the lines of a letter, which shall leave nothing in it visible but what I care not who sees, but dried by a warm fire shall discover what is written."

This method was only to be used on special occasions, and when used a hint would be given " by concluding my visible letter with something of fire or burning, by which mark you may please to know that there is something underneath." What was the matter to be communicated that was too dangerous to write, too secret to be entrusted to cypher, and was only to be discovered by Père de la Chaise himself ? If the jury concluded that it was a reference to the murder of the King, they cannot be blamed.

For it was certainly something much more shocking than the introduction of Popery and the destruction of Protestantism and the subversion of the Constitution. These matters were openly written about in a boastful and arrogant spirit grossly insulting to the English jury.

So certain was the secretary of the Duke of York of the coming success of his plans that he tells Père de la Chaise : " We have here a mighty work upon our hands, no less than the conversion of three kingdoms, and by that perhaps the utter subduing of a pestilent heresy, which has domineered over great part of this northern world a long time ; there were never such hopes of success since the death of our Queen Mary, as now in our days." And the forces that were to bring it about under the direction of Edward Coleman, as Secretary of State, were clearly indicated. " That which we rely upon most, next to God Almighty's providence, and the favour of my master, the Duke, is the mighty mind of his most Christian majesty, whose generous soul inclines him to great undertakings which, being managed by your reverence's exemplary piety and prudence, will certainly make him look upon this as most suitable to himself and best becoming his power and thoughts."

In this letter Coleman had signed his own death warrant. Scroggs did not put it unfairly when he said that the letters " relate to the duke most of them, little to the king. You were carrying on such a design that you intended to put the duke in the head of, in such method and ways as the duke himself would not approve but rejected."

Whether the Duke approved or disapproved, Coleman's plot, as set down in black and white in his own hand, was the Popish Plot as feared by the people. It included, if necessary, placing James upon the throne, in order that the pestilent heresy of Protestantism might be destroyed with foreign aid, according to the precedents of " our Queen Mary," of beloved memory. It is little wonder that Protestant England was alarmed, and that the frightened herd clamoured for measures of protection.

Coleman's denial of the evidence of Oates and Bedloe could avail him little even if the jury accepted it. For the fatal letters were there to speak for themselves, and had there been any innocent correspondence to show that,

since the date of the letters discovered, the plans of Coleman and Père de la Chaise had been modified, the prisoner could have produced them. But as Scroggs reminded him in passing sentence, he had not discovered so much as one paper, but what was found unknown to him and against his will.

He vehemently denied having made away with his letters, but his phraseology was not very definite about it, and as Scroggs said, "I have other apprehensions," and those apprehensions the jury seem to have shared.

The day was going out when the summing up finished and the jury were asked whether they would lie by until the morning, Mr Justice Wild urging them "to take a full consultation and their own time." But they were ready with their verdict and returned to the bar in a few moments and found the prisoner Guilty.

Once again Coleman denied that he had ever seen Oates and Bedloe except at the Council Chamber.

"Mr Coleman," repeated the Lord Chief Justice, "your own papers are enough to condemn you."

The next morning the prisoner was brought up for sentence. In repeating his various denials he was not content to contradict the oral evidence, but in seeking to deny the fact of the conspiracy set out in his letters, he was unwise enough to hint that even if there were phrases capable of evil interpretation, he might expect to benefit by "the king's gracious act of pardon."

As to this, Scroggs was bold in warning him "not to be deluded with any fantastic hopes and expectation of a pardon, for the truth is, Mr Coleman, you will be deceived . . . and though the king, who is full of mercy almost to a fault, yet if he should be inclined that way, I verily believe both Houses would interpose between that and you." This was a challenge to the Court party and James that was not forgotten later on.

Having thus discharged his conscience, the Chief

Justice passed the barbarous sentence of the times, that the prisoner should be "hanged by the neck and be cut down alive, his bowels burnt before his face and his quarters severed."

The time was short, for this was Thursday morning and the execution was fixed for Monday. Coleman begged that his poor wife might have freedom to speak with him. Scroggs demurred at first, saying the insolences of the Catholics "were so bold and impudent and such secret murders committed by them, as would harden any man's heart to do the common favours of justice and charity, that to mankind are usually done."

The Chief, however, on second thoughts let charity have its way. He was not an ill-natured brute like Jeffreys and took no pleasure in insulting the fallen. "It was a very hard thing," he said, "to deny a man the company of his wife and his friends, so it be done with caution and prudence."

"What, for them to be in private alone?" calls out Captain Richardson the jailer.

"His wife, only she," says the judge, "and, Mr Richardson, use him as reasonably as may be, considering the condition he is in."

Up to the very last it was said that he expected a reprieve, and doubtless there was every reason why the Duke of York, whose faithful servant he had been for many years, should intercede with his brother on Coleman's behalf. But, as Scroggs had said, had that taken place the two Houses might have intervened. Charles II. had no desire for a conflict of that nature. There were too many secrets in his own cupboards to risk any such encounter. James, too, was the least likely of all the Stuarts to put himself in any peril or to be moved by any impulse of pity or generosity to serve a friend.

When Coleman reached Tyburn, he seemed even then to be awaiting a pardon that some believe had been expressly

promised to him by his friends. But no messenger arrived, and after a short speech denying his guilt and honouring his religion he declared to the Sheriff that he knew nothing of the murder of Godfrey and betook himself to private prayers and ejaculations.

An ardent, eager, intriguing enthusiast, Edward Coleman, laid down his life for a losing cause. His tragic end must have been embittered by the cynical neglect and cowardly desertion of those he had served so faithfully, who, fearing for themselves, abandoned him to his fate. Did James, his Master, or Père de la Chaise, his patron, or his Most Christian Majesty Louis, or His Holiness the Pope, ever give a thought to his agony or move a hand to help him ?

No priest of his Church dared to come near him, and he rejected, naturally enough, the services of the Ordinary of Newgate. The less earnest and enthusiastic plotters had fled the country, and as the poor wretch sat in jail wondering that no reprieve came, his thoughts turned on his reward in heaven, and we are told he "had a hope to be canonized for a saint." This has indeed happened to others far less open, active and honest in the service of their chosen religion. Even Catholic historians do scant justice to Coleman's loyalty to his superiors and his good work in the historic cause of the destruction of heresy which is still so dear to good Catholics. For though I think he was legally guilty of the charges in the indictment, and was rightly convicted, and properly executed, I cannot but admire the devotion and energy with which he served his masters.

Nor can I wonder that after his desertion by Catholic hierarchs and Stuart princes, when the fatal cart was drawn away from under his feet and he was swung into eternity, the Sheriff heard him murmur instinctively the moral of it all : "There is no faith in man."

Chapter VII:
The Murder of Sir Edmund Berry Godfrey

It was not until February 5th, 1679, that Robert Green, Henry Berry and Lawrence Hill were brought up the river, from His Majesty's jail at Newgate, to take their trial in Westminster Hall for the murder of Godfrey. There was a great crowd to hear the trial, and even the standing place of the jury was so thronged that the Clerk of Arraigns had to threaten the trespassers with penalties in the King's name before they would give way.

The literature about the mystery of the murder of this unfortunate magistrate fills many shelves, but when you have once satisfied yourself that the poor man was murdered, and of that the medical and circumstantial evidence is convincing, then the story of the murder is as plain sailing as most foul and secret murders. To my mind, the report of the trial of those charged with the murder seems to bring home the facts of the murder and the details of the way in which it was carried out to the prisoners at bar.

It is possible, of course, that the witnesses told the true facts and that they did not relate to the actual men in Court, but this I think unlikely. The Jesuits who planned the murder escaped, but it seems probable the men who were caught were their tools. The two chief witnesses who satisfied the jury of their guilt were William Bedloe and Miles Prance.

That William Bedloe had considerable knowledge of the plans and intentions of the Jesuits and their friends seems beyond doubt. He had been brought up by them, and being of a loose, roving, adventurous disposition, was a useful medium between the Jesuits secretly resident in

England and their friends abroad. David Lewis, a Jesuit, afterwards executed at Monmouth, educated him as a lad, and when he came to London he seems to have been much in the society of Father Harman, Father Johnson, and later on was taken up by Sir John Warner and Father Harcourt, the Jesuit Rector of London, against whom he gave evidence.

To reject the whole of Bedloe's testimony seems to me unreasonable. I should say that he had been longer in the service of the Jesuits and knew more of their conspiracies than Oates, and that he gave his evidence more carefully and that much of it was worthy of consideration. That he posed in foreign countries under fancy names and was a rogue and vagabond as well as a political agent for the Jesuits are natural accidents arising out of and in the course of his employment.

He was only a young man of thirty when he died in 1680 at Bristol. In the summer of that year Lord Chief Justice North had gone the Western Circuit, and at Bristol received a message from Bedloe that he lay dangerously ill and wished to speak with him. Accordingly, the Chief, with the two sheriffs, brother Roger the barrister, and William James, the judge's marshal, went to Bedloe's home. On their way they met Mr Crossman, a minister, who had also been sent for, and the judge courteously asked him to accompany them.

Now North was a level-headed, cautious judge, and his account of the affair and the deposition he took are matters outside the ordinary run of party political alarums and excursions. And North says that he found Bedloe very ill and that he prefaced his deposition by saying "That he looked upon himself as a dying man, and found within himself that he could not last long, but must shortly appear before the Lord of Hosts to give an account of his actions; and because many persons had made it their business to baffle and deride the plot, he did, for the satisfaction of the

world, then declare upon the faith of a dying man, and as he hoped for salvation, that whatsoever he had testified concerning the plot was true, but had testified rather under than over what was truth." He then sets out nothing that was new, but mentions that he was both at Salamanca and Valladolid, and was there privy to the Jesuits' consultations. All this seems very probable.

Now when a Catholic protested his innocence on the scaffold, the Jesuits pronounced it to be incontrovertible evidence of the truth of what he said. The Protestants, on the other hand, quoted the writings of the Jesuits to try and prove that they commonly taught as doctrine that in a just cause it was permissible to " deny what is most true and affirm what is most false," even at the moment of death. A native of Madras, on the contrary, asked : " What motive for telling the truth can a man possibly have when he is at the point of death ? " Without accepting any of these schools of thought, I think it has been the sensible course of lawyers and others interested in human testimony to give weight to a dying man's oath. Bedloe was but a young man and had had a religious education in his youth. Father Lewis, his patron when he was a boy, must have endeavoured to instil religious principles into his pupil. Then there is nothing in North's account or in the deposition to show that he had any other motive in confirming his former testimony, except for the satisfaction and peace that a dying man may obtain from putting himself right with the world.

But however this may be, the murder of Godfrey does not rest on the evidence of Bedloe only. The chief witness for the prosecution was one Miles Prance, or Praunce. To get rid of the Popish Plot and its various ramifications by the simple method of setting down all the Crown witnesses as perjurers becomes increasingly difficult when witnesses arrive from different quarters of the country who are not proved to be acting in concert, and tell all much the same

story. Mr Pollock, in his masterly survey of the Godfrey case, notes very truly that Prance's evidence on his first confession was "as decisive and consistent in form as after constant repetition, recantations and renewed asseverance." Moreover, his evidence is detailed and elaborate. He satisfied the judge and jury, I think rightly, that he was actor, art and part, in Godfrey's murder, and was telling them facts that he knew at first hand.

And that Prance was in a position to know many of the things he said he knew seems certain. He is spoken of as a perjurer and a sort of hireling of the enthusiastic dissenter Oates, whereas in truth and in fact he was a Roman Catholic and a silversmith, or some say a goldsmith, in Princess Street, Covent Garden, patronized by the Queen and making candles and images for the Jesuits and their wealthy patrons. Prance never became a Crown witness from any hatred or distaste of the Catholic religion. And though according to historical writers he by his perjuries helped to consign innocent Catholics and Jesuit priests to the scaffold, yet in after life, when James II. came to his own, Mr Prance was not a *persona ingrata* to the Court or to the Jesuit priests.

It is true that finally he pleaded guilty to perjury and stood in the pillory for a while. This was necessary to clear the Catholic party of complicity in the murder of Godfrey. A sentence of whipping was remitted.

If James and his advisers had really believed that Prance had perjured himself in this and other cases, and thereby murdered several innocent Catholics, they would hardly have treated him with such leniency. Titus Oates got no mercy. But Prance was a Catholic. Still, even then it seems hardly possible that the man would have been received into favour again if he was both murderer and perjurer. But if, as he tells us, the murder was a political one, planned by the priests, Girald and Kelly, under whose orders he acted, then his future good fortune is comprehensible.

The Jesuit writers all have a kindly word for Prance,

and he seems to have been received back into the fold, and continued his business as Court silversmith. The only common-sense solution of this is that the Jesuit fathers knew that Prance was a witness of truth and had no desire to rake up the cases in which he had given evidence.

The last we hear of this rascal—for though I think he told the truth in the Godfrey case, he was a murderer and then turned King's evidence—is when James II. deserted his post, and the Jesuits and their friends fled the country. He was last seen in the company of Father John Warner, the Provincial of the Jesuits of England and father confessor to the King. They were found in company at Gravesend about to board a ship bound for Dunkirk. But what was the tie of comradeship between the reverend father and the criminal silversmith? It is not beyond the borders of charity to suggest that they were something more to each other than fellow-exiles leaving their country for their country's good.

The prosecuting counsel of the day were men who knew their business. I have always thought it absurd to suppose that they were not fully satisfied upon good grounds that Godfrey was murdered, and that most of those charged with being in at the conspiracy to murder him were guilty. But they were also well aware that their witnesses were men of doubtful character and acknowledged improbity.

Sir William Jones opened the case in his accustomed blunt way, for "Bull-faced Jonas," as he was called, was as profound a lawyer as the late Mr Danckwerts, and like that great lawyer was always conscientiously particular to share his superior learning with the subordinate knowledge of the judges. He and his colleagues, Sir Francis Winnington, old Serjeant Maynard—who told William that he might have "outlived the law itself had not your highness come over"—Serjeant Pemberton, and Mr Recorder Jeffreys, an ardent prosecutor of the Jesuits at this date, who was delighted to appear with such a team in a *cause célèbre*, had

consulted, as a public prosecutor and his counsel would to-day, on the best method of convicting the prisoners.

No doubt they considered Oates a useful general witness, but that they were under any illusions about his vagueness and irresponsibility is unlikely; Bedloe was far more important, but they had to win or lose on Prance, and they believed, as I think they were entitled to, that the ruffian, who was one of the murderers, would, to save his own neck, tell the Court what actually happened.

But Sir William Jones was particularly careful to warn the judges and the jury that Prance was a scoundrel and that anything he said required corroboration. "You will easily believe," he said, "that most of these particulars must arise from one who was party to the fact, yet, my Lord, I will undertake before I have done so to fortify almost every particular he delivers with a concurrent proof of other testimony, and the things will so depend upon one another and have such a connection that little doubt will remain in any man's mind." And this, I think, he did to a reasonable extent.

Direct evidence of a murder or any other secret crime can only come from among those who were engaged in committing it, and if you are satisfied, as these learned counsel were, and as many historians are, that Prance was one of Godfrey's murderers, then the Godfrey mystery never was a mystery and has only been made into one by interested politicians.

I confess in reading some of the modern critics of these trials I am entertained by the light-hearted way in which they brush aside the evidence of all the Crown witnesses as mere perjury. The Crown lawyers of the time were not all fools and knaves, though they were no doubt somewhat more politically-minded than similar officials are to-day. But even a perjurer does not always lie. Indeed, whenever he can, and it fits his purpose, he naturally prefers to use a truth rather than a falsehood.

No one who has listened critically to human testimony, as I have for the best part of half a century, can have any great regard for its accuracy. Knowing the fallibility of memory, the untrustworthy nature of human observation, the temptations of party bias, and the natural impulse of a desire to help what the witness believes to be the right side, one would think it strange indeed to find that human evidence in Court was always correct in detail. This is why the lawyer clings to documentary evidence and circumstances of corroboration. Human evidence is generally based on some knowledge of the facts, but it is mingled with error introduced through passion, accident or fraud. Every witness to some extent dramatizes the facts in his memory, seeking to give not only the actual facts he witnessed, but what he conceives to be the value of the facts. There are few witnesses who do not degrade their evidence by advocacy.

Many witnesses, of course, desire to speak the truth, and if they are honest, thoughtful and critical, some individuals may succeed. Many others desire to speak the truth, but are mentally and psychologically incompetent. A large number of witnesses are vain, reckless folk who like figuring in a cause in a public court. Every running-down case produces some silly man or woman who was near-by at the time of the accident, and saw nothing of importance, but has picked up enough to chatter about in the witness-box, and these people are apt, from a jury new to the business, to receive careless credit. Cross-examination eliminates such evidence as a rule, but it is, and always has been, and I suppose will be, a danger to the discovery of truth.

The casual perjurer who lies to uphold his own cause, or save himself from the punishment for his crime, is common enough. But the "compleat" perjurer—as our ancestors would have called him—the man who, like Arthur Orton, starts a claim founded on a solid base of perjury, is really an uncommon bird of prey in our Courts, and is

nearly always there for purposes of stealing the wealth of others. Even Titus Oates, though a reckless liar, was not that sort of perjurer. And to disbelieve all the Crown witnesses who gave evidence in the trials arising out of the Popish Plot, merely because you have an historic sympathy with the politics of the men at the bar, seems carrying your contempt for human testimony too far.

Even if Prance had been cross-examined by an expert advocate of to-day, though he might have been shaken as to the identity of one or other of the prisoners at the bar of the Court, yet his story of the manner and happening of the murder would, I think, have stood the test.

The trial took place in Westminster at the King's Bench on Monday, February 10th, 1679. The three prisoners were Robert Green, Henry Berry and Lawrence Hill. But in the indictment there were also the names of Father Girald and Father Kelly, Irish priests who had fled the country, and one Vernatt, who may or may not have been a priest, but was an active partner in the crime. These men had all disappeared and, as Sir William rightly said, "had left their blind followers, the prisoners at the bar whom they had drawn into this bloody act, alone to answer it."

For it was clear that whoever did the murder had planned it with some care, and if it was carried out as Prance describes, it can only have been done with the active consent of important people connected with Somerset House, then the palace of the Queen.

About a fortnight or three weeks before the murder, which took place on the night of Saturday, October 12th, a meeting was held at The Plough alehouse. At this meeting Gerald, an Irish priest belonging to the household of the Venetian ambassador, was present. He is also called Girald and Fitzgerald. He seems to have been the moving spirit in the business. With him was Kelly, another priest, and Miles Prance. The other three men who had been

suborned by the priests to play their part in the murder were Lawrence Hill, who had a room in the precincts of Somerset House, being servant of Dr Gauden or Godwin, the treasurer of the Queen's chapel, and Green, a cushion layer in the chapel.

The priests told these men that the murder of Godfrey "was no sin but a charitable act," as the magistrate was a very busy man, and had done and would do a deal of mischief. They were also told he was a great enemy to the Queen. They then discussed methods of spying on Godfrey's movements and dogging him in the streets, and it was proved later that both Hill and Green went to his house to ask where he was to be found. Elizabeth Curtis, Godfrey's servant, identified each of them, and proved that Hill was at her master's house on the morning of the murder.

Lancelot Stringer, a tapster at The Plough, spoke to Gerald and Kelly and Vernatt, a servant of Lord Bellasis, visiting The Plough and meeting Hill and Green and Prance. Hill and Green had to admit that this was so. A man named Vincent also identified them as being in company together. These were meetings before the murder. It is noticeable that the third prisoner, Berry, does not seem to have been present.

But the evidence against Berry, who was the doorkeeper at Somerset House, was that he said he had received orders "from the Queen or in the name of the Queen" that he should suffer no strangers to come into Somerset House on October the 12th, 13th, and 14th. Berry repeated at the trial that on October the 11th and 12th he had orders from the Queen's gentleman-usher not to admit anyone, as "the Queen was private." Mr Justice Wild said this was "very reflecting evidence," and so it was, seeing that the Queen's priests and servants and the Duke of York's secretary were suspected as the chief instigators of the plot. But Mr Attorney was eager to explain that he reflected nothing against Her Majesty, but only gave

evidence of Berry's statements as showing that when he pretended to such privacy there was something going forward "not fit to be known by everybody." It seems hard on Berry that no Court official came forward to prove or deny what orders he had in fact received. There is no evidence that Berry was in league with the priests, and Berry was not a Catholic.

Prance's story of the actual murder is very vivid, and he was able to take the Duke of Monmouth and the officers of the Council to the site of it, and to most of the places in the palace where Godfrey's body had been hidden.

It appears that about eight or nine on the evening of the murder, Prance, who lived in Princess Street, near to Somerset House, was fetched by Green, who told him that Gerald and Kelly were watching Godfrey. Green took him to Somerset House and told him to stand guard at the water gate. Berry was on watch at the stairs. Godfrey was induced to come into the yard of Somerset House by Hill, who told him there were two men quarrelling, and desired him to come and see if he could pacify them. Godfrey went in, and when he came to the fray, near some rails, Green twisted his handkerchief and threw it about his neck and throttled him. Gerald would have thrust his sword through him but the rest would not permit him for fear the blood should discover their crime. Green then jumped on his chest and punched him with his knees.

Prance was on guard when this happened, and only relates what he was told by his fellow-conspirators. Nevertheless his account of the injuries inflicted by the murderers tallies with the injuries described by the chirurgeons who examined the body.

After about a quarter of an hour Prance came down from his post, and then he says of Godfrey, "I found he was not quite dead; for I laid my hand upon him, and his legs tottered and shook, and then Green wrung his neck quite round." This again is an injury spoken to by the surgeons.

VI
The dead body of S.r E.B.G. conveyd out of Summerset house in a Sedan.
II
S.r E.B. Godfree takeing. Dr Oates his depositions.
IX
S.r E.B Godfree Strangled & Girald going to ſtab him.
VIII
S.r E.B. Godfree Gamying up into a Roome.

TITUS OATES, AND THE GODFREY MURDER

From the Schreiber Collection of Playing Cards in the British Museum.

After this Gerald, Green, Hill, Kelly, Berry and himself carried Godfrey's body into Hill's room in the house of Dr Godwin, which was in the lower part of Somerset House in a court. There it remained until Monday night. On Monday night it was removed to a room in the Palace itself, but Prance says he was not with them then, but he saw the body there at night. This room he could not identify, though he tried to lead Sir Robert Southwell and the Lords of the Council to the place. He had only been there at night with a lantern. The Lord Chief Justice considered that his doubtfulness of a room he seems to have been in but once gave credit to his testimony, and certainly if his whole story was a fiction, he would scarcely have invented the incident of the second removal of the body to a room he was not certain he would be able to identify.

On the Wednesday night about nine o'clock Prance arrived at Hill's and found Berry, and others bringing the body back to his lodging. His appearance frightened them and they ran away, but he recalled them, and about midnight they proceeded finally to dispose of the body. A sedan chair was brought by Hill and another, and they all helped to put the body in it. Prance and Gerald carried it out of the upper gate of the upper court, which Berry opened for them. Green and Kelly accompanied them. They carried it into Covent Garden, where they rested. Then Green and Kelly took the poles and walked the sedan chair into Long Acre and afterwards to Soho Church. Here Hill met them with a horse, and they all helped the body on to the horse, and Hill rode behind to hold it up. The sedan chair was put in a new house until they came back. Green, Hill, Gerald, and Kelly now went off with the body of Godfrey, and for the rest what Prance says is what they told him, to the effect that they had run him through with his own sword, then thrown him into a ditch and laid his gloves on the bank, and this, as we know, is how the body was discovered.

The Friday after the proclamation ordering the Papists to leave the town some of the conspirators met at the Queen's Head at Bow, to dine together on a dish of fish and a barrel of oysters—Mr Vernatt, Gerald, a priest named Luson, a Mr Dettrich and Prance. The murder was reported to Mr Vernatt, who explained why he had not been able to assist in the matter. They were very merry over the success of their undertaking, and Prance says that while they were in discourse about it "there was a drawer came and listened at the door, and I, hearing the door a little rustle, went to the door and catched him listening; and said I to him, sirrah, I could find in my heart to kick you downstairs; and away he went."

This drawer, a boy named William Evans, was called, and said he remembered the occasion of the feast at the Queen's Head. The gentlemen had flounders and a barrel of oysters. He saw some one pull out a paper and heard Sir E. Godfrey's name mentioned, and "while I was at the door," he adds, "somebody threatened to kick me downstairs." These corroborations of Prance's story seem to negative the idea that the whole business was an invented fiction.

It is true that after he told his story to the Council and offered to turn King's evidence, he desired to go before the King, and Captain Richardson says he "carried him into the King's closet, where he fell down on his knees and said, 'He was innocent, and they were all innocent.'"

But when Captain Richardson got him back to jail he begged of him "for God's sake to go back to the king and to acquaint him not only that what he had now said was false, but that all which he had sworn before was truth."

The evidence he gave before the Council on oath he repeated on oath before the Court. And though, no doubt, being a weak and contemptible wretch, he would have gone back on his oath if the King could have given him encouragement and protection, yet when he found himself in jail again

he came to the conclusion that his best chance was to tell the truth about the murder and betray his associates. With the corroborative circumstances and the other evidence in the case, it seems to me that his story was probably correct.

When the body was found in the ditch where it was thrown Godfrey's own sword was thrust right through it, and the end of it was "two handfulls out of his back." There was no blood at all, not even in the ditch, and the sword wound was clearly given after death. He certainly had not fallen on his sword and committed suicide. Nor, according to the medical evidence, had he hanged himself, for there was " more done to his neck than an ordinary suffocation," as Mr Skillard the chirurgeon testified. He also told the Court that Godfrey's neck was dislocated, and " you might have taken the chin and have set it on either shoulder." Moreover " his breast was all beaten with some obtuse weapon, either with the feet or hands, or something." These injuries are in every way consistent with Prance's story of the murder. In those days the evidence at an inquest was not published in popular newspapers, and how Prance could have told a tale of the murder to confirm in so much detail the post-mortem of the chirurgeons, the result of which could hardly have been known to him, is difficult to imagine.

But to those who are obsessed with the belief that no Popish Plot ever existed, and that every witness called by the Crown for the prosecution of the conspirators is necessarily a perjurer, evidence counts for little. Catholics, like Protestants, naturally stand up as far as is possible for their own party, and in Father Chandlery S.J.'s pleasant little book, *The Tower to Tyburn*, the whole story of the Crown witnesses, even the testimony of that good Catholic Miles Prance, was " a lie from beginning to end," and the judges knew perfectly well that their victims were innocent, yet they " condemned them to satisfy Protestant prejudice." It is the more to be regretted that Jesuits should write

history in this vein, since, looking at the few sample documents seized by the authorities, it is clear that in Jesuit archives there must be, unless destroyed, correspondence showing the extent of Coleman's success in persuading his friends to join him in the crusade against heresy. It would be interesting to all parties if these were ever brought to light, and after so many years the truth could harm no one.

That Godfrey was murdered because he was dangerous to the left-wing plotters seems to me as reasonably proved as any other Crown case reported in the State trials. I have purposely left out of consideration the evidence given in the case by Bedloe, though I am satisfied that it was by no means wholly without foundation. We are only interested here in the story of the Popish Plot as a link in the chain of circumstances which led up to the Bloody Assize.

The fact that the murder of Godfrey and the disclosures in Coleman's case roused the people of the country to terror and revenge, and banded them together to persecute and banish the priests who had so recently swarmed into England, put an end for the moment to any further attack on the religion and constitution of the country. It was, however, only a temporary set-back to the Catholic cause. The priests still looked forward to a time when Charles would disappear, and James would ascend the throne as defender of the true faith, and realize the dream of that ardent spirit, Edward Coleman, and utterly subdue the pestilent heresy of Protestantism after the manner of good Queen Mary.

Chapter VIII: *Prince Monmouth*

Statesmen like Shaftesbury and his friends fully understood that there was a solid foundation for the charge against the Duke of York, Coleman, his secretary, and the other conspirators, of plotting to substitute the Roman Catholic for the Protestant religion in England, and that the idea of murdering Charles II. was discussed among the wilder spirits of the movement, but they did not believe every braggart story of Oates and his friends.

Certainly the people went mad with terror and rage, and behaved with cruelty and injustice as panic-stricken human herds always do. Just as in our own time we have seen decent citizens baiting settlers among us who had German names and calling them foreign spies, so the hysterical mobs in 1679 applauded Oates and the rest of the Crown witnesses, and hooted and pelted the witnesses of the prisoners, and shouted for joy when Papists were convicted. And though extravagant hatred of enemies is always to be deprecated and blatant exultation at their destruction is indecent, yet these happenings do not, in my mind, alter the fact that there was a Popish Plot any more than similar indiscretions that I witnessed in my own lifetime convinced me that there was no German conspiracy against English liberty.

We are only concerned with these things in so far as they are introductory to the story of the Bloody Assize, and it will now be found convenient shortly to follow the history of Monmouth, Oates and Jeffreys during the years that intervened between the Popish Plot trials and the accession of James II.

"In the summer of 1679," says Trevelyan, "the star

of Monmouth rose." He was now thirty years old, and was already regarded by the opposition as a possible heir to the throne. The rumour was spread abroad that the King had really married Lucy Walter. Charles had deliberately placed his son in high and responsible positions, and the country was longing for the exclusion of the Duke of York from the succession, and would readily have accepted the legitimization of Monmouth, inasmuch as it would have secured a Protestant ruler.

The Duke of York was exiled for the time being, and though Charles wrote to his brother denying that he had married Monmouth's mother, yet he continued to caress his son, and wise statesmen of the calibre of Sir William Temple regarded it as more than a possibility that Charles would cut out the Duke of York, his children and the Prince of Orange from the succession to make Prince Monmouth his heir.

The cruelties of Lauderdale's administration in Scotland towards the Covenanters had caused them to rise in rebellion, and after the manner of all tyrants he wrote complaining to Charles that this was brought about " by the King's hearkening to their complaints." Charles, no doubt, was equally convinced that the trouble was caused by his Viceroy's insolence and tyranny. Still, whatever sort of fool your pro-consul may be, he must be supported. Charles, who was often ingenious in his solution of difficulties, knew that Shaftesbury would make Protestant capital out of the wrongs of the Covenanters, so he thought well to secure his support to the expedition to destroy the rebels by appointing Monmouth to the command of the Crown forces.

The Duke set out, with his father's blessing and goodwill, on June 18th for Scotland, where he arrived in three days, a very speedy journey for those times, and on the 22nd he had met the Covenanters, who were some 5000 strong, at Bothwell Bridge which spans the Clyde between

Glasgow and Hamilton. Here the rebels were in a strong position, but their leader was a young son of Sir Thomas Hamilton, a crack-brained enthusiast, surrounded by many advisers who spent the time that should have been occupied barricading the bridge in discussing the theological problem of whether or no it was clear that the Duke of Monmouth was "in rebellion against the Lord and his people."

They proposed indeed to discuss this proposition with the Duke himself, but Monmouth sent their envoy back with a business-like intimation that if they would lay down their arms and submit to the King's mercy he would interpose for their pardon. Then, as Burnet says, "they had neither the grace to submit, nor the sense to march away, nor the courage to fight it out." The bridge was not defended, Monmouth and his troops crossed the river and the affair was a debacle. No less than 400 Covenanters were killed, and 1200 taken prisoners.

The Duke refused to give orders to the dragoons to pursue and massacre the Protestant rebels, for which Scott and Waller have sung his praises. But when he returned to London and

> "at the court his interest does employ
> That none who scaped his fatal sword should die,"

Charles grumbled at his leniency and told him, "If I had been there, we would not have had the trouble of prisoners," to which his son unfilially replied, "I cannot kill men in cold blood, that's work only for butchers." These defeatist notions of Monmouth's were by no means popular among the courtiers, but his clemency won him golden opinions in Scotland, and among all the poor dissenters throughout England who heard the story. London, of course, received their favourite back with shouts of joy, and Prince Monmouth was the hero of the hour.

But his triumph was short-lived. Charles fell ill of a fever. He was thought to be dying. Halifax, Essex and

Sunderland held a conclave at the Duchess of Portsmouth's lodgings, and resolved to send for the Duke of York who, travelling in disguise, arrived safely at Windsor and was received by his brother with much show of affection. Charles recovered. The great body of moderate Englishmen breathed more freely, for had he died the outlook was disastrous, since the Catholic and Tory supporters of the Duke of York would have come to blows with the Protestant Whig supporters of the Duke of Monmouth. The average country gentlemen and men of business preferred even a Catholic king to the horrors of another civil war. But, with Charles well again, they had a respite from either of the dreaded evils.

Charles now came to the conclusion that the way of peace was to get rid of both the claimants to the reversion of his throne. The Duke of York was sent to Scotland, where he would find congenial employment in persecuting heretics, and Monmouth was ordered to give up his high command and betake himself overseas. Obedient to the King's orders he left for Holland in September.

The Protestant Whigs were still the most powerful party in London, and the members of the King's Head Club, or Green Ribbon Club as it came to be called from the wearing by members of green ribbons in their hats, were still violent in their demonstrations against Popery. It is difficult in our day to realize the terror that the people felt about Catholic domination. That their fears were groundless is, to my mind, impossible to believe. Their opponents were quite in earnest about the abolition of the pestilent heresy, and believed that with French gold and munitions and a Catholic king they could bring it about. But at the moment the Whigs had the upper hand, and to hearten their comrades decided to show their power, on November 17th, by a glorious celebration of the accession of Queen Elizabeth.

Reports of this superb and extravagant procession read

like descriptions of some mediæval revival. The foulness of the insults levelled at the Catholics show to what depths sectarian hatred can degrade a sane people. When the affair was planned and the idea got abroad the King sent to the Lord Mayor to stop it, but he replied that the mind of the people being "fixed to due it, wod bee daingarous to sopres it." So His Majesty went to look at the fun from a goldsmith's window, and so did all the courtiers and "other parsons of quollity."

The procession started at the approach of evening from Moorgate Street, and wended its way to Aldgate, thence through Leadenhall Street, along Cheapside to Temple Bar. Six whifflers in pioneer caps and red waistcoats cleared the way, followed by a bellman calling out in dismal tones, "Remember Godfrey!" An effigy of their martyr's corpse, seated on a horse supported by a Jesuit in black, as he had been carried to Primrose Hill, roused sobs and execrations from the mob. Next followed priests giving pardons to murderers, and Jesuits with bloody daggers in their hands, and cardinals and bishops in full canonicals, and lastly—the glory of the show—a pope in chair of state, covered with scarlet, richly embroidered and bedecked with golden balls and crosses. This figure had a triple crown, a collar of gold and precious stones, St Peter's keys and other sacred emblems. At his back a comedian dressed as the Devil delighted the mob by caressing, hugging and whispering to the figure on the trolly.

There were carried in procession no less than 150 flambeaux, and thousands of voluntary torch-bearers joined the throng. The balconies and windows and roofs of the houses along the route were crowded with sightseers. It is estimated that 200,000 people rejoiced in this disgusting show.

At Temple Bar a tierce of claret was set out for the common people, and here the great effigy of the pope was solemnly burned. And it had occurred to the mind of

some foul jester that the figure should have "his belly filled full of live catts who squawled most hideously, as soone as they felt the fire," to the delight of the mob, who shouted that this "wase ye language of ye Pope and ye Divel in a dialogue betwixt them." These shows continued for many years, and the burning of popes nearly ousted the burning of Guy Fawkes from popular favour.

It was within a few days of this great pageant, namely, on Thursday, November 27th, at midnight, that the Duke of Monmouth, against the King's orders, made his appearance in London. The watch spread the news of his arrival, and in the morning when it became known throughout the city the bells rang in every church, bonfires were kindled, and men and women shouted in the streets, "Joyful news to England, ye Duke of Monmouth return'd."

Charles Hatton, writing to his brother, says there were more bonfires than there were at the Restoration. "I seriously protest," he writes, "I am most confident y^{t} ther wase above 60 betwixt Temple Bar and Charing Cross. The rabble being very numerous stopp'd all coaches, even my Lord Chancellor's, and, wou'd not let him pass till he cry'd 'God bless ye Duke of Monmouth!' . . . But, though his Grace wase triumphantly receiv'd by ye people, he wase not so at Court; for, yesterday morning early, he went to wait on his Ma^{ty,} but cou'd not be admitted into his presence." Charles was naturally very angry at his disobedience, and gave orders that the troops were to take no orders from him. He came to his lodgings at the Cockpit at Whitehall, but the King would not allow him to stay there. Letters passed between father and son, and when Monmouth found the King was adamant he retreated to his house in Hedge Lane, where Shaftesbury visited him.

It would be irrelevant to this narrative to analyse Shaftesbury's motives in supporting Monmouth's succession to the throne. The world at large has generally accepted Dryden's story of Absalom and Achitophel as the

last word on the subject. But that prince of hack-writers had to admit that, as Lord Chancellor, Shaftesbury was at least an upright judge, and that

> "In Israel's Courts ne'er sat an Abethdin
> With more discerning eyes, or hands more clean,
> Unbrib'd, unsought, the wretched to redress;
> Swift of dispatch and easy of access."

And though, for my part, I am inclined to regard the statesman Shaftesbury as a man of the same righteous principles as the Chancellor, it is too large a matter to debate here.

Let it suffice that he understood the political position. His reading of what was going on behind the scenes was the same as that of Lord Russell, who in his last message to his countrymen said: "As for the share I had in the Popish Plot, I take God to witness that I proceeded in it in the sincerity of my heart, being then really convinced, as I am still, that there was a conspiracy against the King, the nation and the Protestant religion."

Shaftesbury not only believed that, but he was under no delusion about the character of the men he had to deal with. The King in his view "had brought his affairs to that pass that there is not a person in the world, man or woman, at home or abroad, that dares rely upon him or put any confidence in his word or friendship." He was in the hands of his brother, his mistress, his minister and the French King. The Duke of York, as Shaftesbury thought, was always "dreaming of nothing but his brother's crown," and being a "perfect Stuart," his honour and judgment were not much to be confided in.

Shaftesbury thought that Monmouth might serve as an elegant and popular figure-head for the ship of state. The country demanded a king, but he must be a Protestant king. Even the Stuarts of that day and the Georges in later years could not disturb the English people's faith in the value of the Crown as a political institution. And when

Monmouth returned and was ordered by the King to go back into exile, there seems little doubt that Shaftesbury felt strong enough, and thought it politic to advise Monmouth to stay in England and play the part of a Protestant Prince with claims to the succession.

You may find how the world viewed these great ones, and their plots and conspiracies, set out in many racy gossiping letters of the time, which are often nearer the truth of the matter than official records. John Verney writes from town about this date that "'tis said the parlament will set up the duck of Monmouth (O ! happy spelling !) and will find witnesses to prove his mother was maryed to the King, to show you the probabillity of this 'tis said the Bisshop of Winchester is to be one of the witnisses, this the Moltytude wod have, so will talk of it though they ruing him they love by it."

How vividly this brings to your eyes the talk of the taverns. John Verney writes as good a London Letter as any journalist of to-day. He goes on to say that the "Dochis of Porchmouth, a brave hickoring lady," has declared against Monmouth, but that Nell Gwyn, the Protestant pretty lady, shows him "all the kindness shee can, bot her interest is nothing."

Wherever Monmouth went, whether to St Martin's Church or the races, the City or the Park, he played the part of Prince Charming, to the delight of popular audiences. No one was too lowly for him to remember, and he had the peculiar and blessed gift of royalty, so that when he met loyal supporters a second time he could "with familiar ease repeat their names." In this way he glided into the secret hearts of the people and moved pleasantly along the path of destruction.

In August of 1680 he made a royal progress into the West of England. He first stopped at Longleat in Wiltshire with Thomas Thynne, a man of bounteous hospitality and kindness, known to the countryside as "Tom of Ten

Thousand." The peasants for miles round flocked to see their Protestant Prince, whose wealthy western friend kept open house, and after the festivities he drove away in a coach drawn by a famous team of Oldenburg coach-horses which his Whig host had presented to him. Charles took notice of Thynne's courtesies to his son by removing him from the command of a regiment of horse in the Wiltshire militia, which he bestowed on Colonel Penruddock, of whom we hear more later.

From Longleat he went to White Lackington, the house of George Speke, and everywhere, the chronicler tells us, the lanes and hedges were crowded with men, women and children strewing his path with flowers, and shouting, "God bless King Charles and the Protestant Duke!" No less than two thousand horsemen rode out to meet the Duke, and when he took refreshment under a Spanish chestnut tree in Speke's demesne twenty thousand country folk swarmed into the park to gaze on their hero.

Ford Abbey was another of the great country houses where he was royally received by Edmund Prideaux, who was treated at the time of the Bloody Assize most wickedly and unjustly by James and his friends, in revenge for this act of hospitality. But it was on leaving Mr Speke's, and stopping at the White Lodge in Hinton Park to partake of a junket, that the miracle occurred which caused such great wonder, and was the origin of so much devotion among the simple people of the West.

There was a woman named Elizabeth Parcet who, hearing that the Duke was at Hinton, had gone out to meet him. She suffered, poor thing, from scrofula, and when she found the Duke in the midst of a number of county gentlemen and their servants, she rushed through the crowd and touched his hand. Within two days the terrible disease of the King's Evil had left her, and all her sores were healed. This was duly accredited by Henry Clark, minister of Crewkerne, and printed in a broadsheet

and made known through the West country. Charles II. was most industrious and successful in touching for the Evil, and when it was known that his son inherited this divine gift, many who had doubted his legitimacy and the story of the marriage lines in the "black box" were converted, and believed.

Monmouth went on as far as Exeter, staying with Mr Duke at Otterton House on the way, and about three miles outside the city he was met by a "brave company of stout young men, all clothed in linen waistcoats and drawers, white and harmless, having not so much as a stick in their hands." For whoever arranged this progress seems to have taken care that no show of force or rebellion was to appear. There were a thousand of these young men divided in companies, and the Duke rode round each, inspecting them and greeting them pleasantly. Then they formed a procession, and he rode at the head of his young supporters into the city, where the people hailed them with enthusiasm. Doubtless many of these young men were afterwards lost on Sedgemoor, or ended their days on the scaffold, or died in exile at the plantations.

It was noticed with regret that in Devonshire the gentry did not join in the welcome to Monmouth, but only the farmers and peasants. Nevertheless the progress was a peaceful demonstration that in the West of England the cause of a Protestant Monarchy was widely supported. Meanwhile the enemy were not idle. The cruel persecutions of Catholics ceased to be popular. Charles, in 1681, secretly secured sufficient money from France to make himself independent of the Parliament men. He summoned them to meet at Oxford, and dismissed them with contumely. Shaftesbury was committed to the Tower. Monmouth proposed to his father that he should be reconciled to him, but added a postscript to his message, "that he would rather die than be reconciled to the Duke of York." Nothing came of this impudent proposal, and

Monmouth, whose reception in the West had given him a longing for popular applause, determined in 1682 to make another progress, this time towards the North, to visit Lancashire, Cheshire and the adjoining counties, where it was said there was much discontent.

This affair seems to have been regarded by Charles and James with considerable misapprehension. The public announcement was made that Monmouth merely went forth to enjoy some of the famous Cheshire race-meetings. Such diplomatic falsehoods never deceive, but the invention of them seems to give keen pleasure to the somewhat childlike hangers-on of ministers and royalty.

Monmouth set out with more than a hundred armed followers. The great Whig landowners met him, and feasted him with ceremony. Coming to a town he generally got out of his coach and, mounting his horse, rode on horseback that all might see him. Whenever he dined the tables were set for two hundred persons. The doors of the dining hall were thrown open, and like a king he dined in state, the populace entering at one door and passing out at another. Dining in state is obsolete, but the similar custom of "lying in state" after life is still popular among primitive nations. Both ceremonies are similar in etiquette and stage management. The Reverend Matthew Fowler summed up the moral effect of the whole business, sensibly enough, when he wrote of Monmouth, "A person of quality (none of the wisest) came to be gazed on by a foolish rabble of no quality."

At Coventry Monmouth had a mixed reception, but at Chester he was received as a Royal Prince. He accompanied the Mayor and Aldermen to church. That afternoon he attended the christening of the Mayor's child and stood godfather, giving her the name of Henrietta. The next day at Wallasey races his horse won the cup, much to the disgust of the Tory magnates and squires, but to the delight of the mob. There is nothing that endears

a minister or a prince to the good people of this country like success on the race-course. When the countryside heard that Prince Monmouth not only won the race, but had handed over the cup to his little god-daughter, they would have risen like one man had he held up his hand for rebellion. Chester celebrated his victory with bonfires, but his enemies emptied their slops on the fires from the upper windows of the old houses. There were reprisals with stones, something of a riot, but Monmouth's young friends held their own, drank confusion to the Duke of York, and vowed to put their prince and hero upon the throne.

However shallow his judgment may have been, no one can gainsay Monmouth's ability in winning hearts. He entertained lavishly, he was a willing and agreeable guest to the gentry of the counties and the burghers of the boroughs through which he passed. He played bowls, he patronized the popular contests at prisoner's base, and actually challenged and won two races of 120 yards against a local champion, one being run in stockings and the second in boots. By such means did he build a " habitation giddy and unsure " in the vulgar hearts of these kindly northerners. So that when he turned south again his party were happy in the belief that he had done big things for the cause.

But his steps had been dogged by Government spies who, after their habit, sent exaggerated accounts of his popularity and success. The King and his ministers got frightened at the news they received, and resolved on strong measures. The Duke was dining at a tradesman's house in Stafford with many gentlemen of rank and importance in the country, when John Ramsey, the King's Serjeant-at-Arms, entered the hall and invited Monmouth to accompany him to London. The Duke asked to see the warrant, which was shown to him. It was signed by Sir Leoline Jenkins, and charged Monmouth with disturbing the public peace. There was no course but open obedience or rebellion. The party was not ready for the latter alter-

native. Monmouth's progress was at an end. He was taken prisoner to London, but his friends obtaining a *habeas corpus*, he was soon after released, being bound over to be of good behaviour in his own bond of £10,000, with five sureties of £2000 each.

The Whig party was now nearing defeat, and the Tories were more than holding their own. The Duke of York and the Catholics were looking forward to an ultimate triumph. The Rye House Plot, the flight and death of Shaftesbury, the execution of Russell and Sidney, left Monmouth a prince without advisers. He was ordered to retire to Moor Park, his seat near Rickmansworth. Later on he received a subpœna to give evidence in Hampden's trial. The King had indeed received him and apparently forgiven him, but his position in the Court, where he was surrounded by enemies, was impossible to himself and of no service to those with whom he had been associated. The subpœna warned him that the Duke of York and his friends intended to destroy him in the eyes of the people as a traitor to his own cause.

One morning in January 1684 the Duke of Monmouth slipped away to Greenwich, where he took ship for Zealand. How far this was done with the consent of Charles, or otherwise, is not known. But in Brussels we hear of him living in splendour with a command, an income, the title of Royal Highness, and his beloved Henrietta Wentworth as his princess.

One cannot but pity this poor Prince Charming, who from his childhood had every gift bestowed on him by Dame Fortune that man regards as desirable. Rank, bodily vigour, wealth, affection and opportunity were his to command. But it is the invariable rule of this fascinating creditor to demand full price for benefits had and received, and she made no scruple of extorting her claim against Monmouth when her bond fell due.

Chapter IX: *The Downfall of Oates*

I HAVE never thought that it was sound history to pile all the sins of the Government and its lawyers on the back of Titus Oates. He was a liar, a fanatic, and a braggart romancer, but he did not invent the plot, and he was quite feeble-minded enough to have believed all the stories of conspiracies that were the back-chat of the left-wing Jesuits. If there were judicial murders, and probably there were, the liar Oates played his part in the crimes; but so did counsel, judges, and many other witnesses, and the statesmen who started the prosecutions, and the King who refused to save the accused if they were innocent. A lawyer who wrote the history of the trials of Oscar Slater, Edalji or Beck, and threw the whole blame of the miscarriages of justice upon the shoulders of the errors of witnesses would not be writing sense. Oates was a rogue and a rotter, and suffered from plot mania, but it is often that type of man that stumbles upon the truth and misuses it. He had all the vanity of an unbalanced mind, and was an unpleasing personality. Expert alienists will tell you that plot maniacs are not uncommon psychological types. Most men of over sixty must remember, if they look back on the history of their own times, that they have met with plot maniacs, doubtless of a mild and harmless character, with whom it was unwise to start a discussion about Ireland, Germany, the Tichborne claimant, or the Pope of Rome.

And this much may be said in fairness to Oates—if human vermin of this type are entitled to honest dealing—that upon investigation several cases were brought before the Courts in different parts of the country in which Oates made no appearance as a witness, though he had pointed

out the offender, and this seems to show that the man knew a great deal about the active movers in the Jesuit plots.

His information about David Lewis, for instance, put the authorities upon the track of a law-breaker. Lewis was, according to Jesuit records, a devoted priest. Contrary to the Statute 27 Elizabeth, which made it high treason, punishable by death, to celebrate Mass in England, this zealous missionary visited rich and poor in South Wales, and made converts and preached the Catholic religion, and performed its forbidden rites. Protestant writers charge him with obtaining money from the poor in excessive amounts for freeing their relations from purgatory. But Protestants have always regarded this ecclesiastical tax with detestation, and there is no evidence that he really asked for or obtained more than current rates for such services. After all a labourer is worthy of his hire, and for thirty years he ministered in South Wales, stealthily, but with success.

A man named Arnold, a Protestant gentleman, arrested the Bishop of Llandaff elect, as Oates had described him, and he was tried and convicted at Monmouth Assizes for high treason in March 1679. The witnesses proved the case against him, and though he naturally enough accused them of malice, he never in so many words denied that he was a priest, and on the day of execution gloried in it and the work he had done for the faith. Like Coleman, he was one of the Roman Catholic agents secretly working in South Wales to bring about the destruction of the pestilent heresy of Protestantism. Had the plot succeeded he well deserved his promotion to the See of Llandaff. But his martyrdom cannot be laid to the door of Oates's perjury. Oates had merely pointed out that such a conspirator against the public peace existed, and the local authorities found him, and he was prosecuted and convicted. The statutes against these priests were cruel and tyrannous, but then their activities were mainly devoted to the intrigues

for the destruction of the Constitution and the Protestant religion. At all events the laws were well known, and they were broken.

During the whole of 1679 and during the greater part of next year Oates was a popular hero. He was the uncrowned king of London, and the herd worshipped him. Statesmen and kings trembled at his nod. He gave himself absurd airs, and behaved like a veritable beggar on horseback. One ridiculous theory of the origin of his story, which is favoured by those who dislike the politics and character of the Earl of Shaftesbury—one of the few honest statesmen of the time—namely, that it was procured and directed by the Earl himself, has neither proof nor probability. Moreover, as Mr Pollock shrewdly points out, Oates, when he started his narratives, "was so little sure of support from any quarter that he not only exonerated the Duke of York from complicity in the plot, but was so disobliging to the Whigs as to name him for a possible victim."

There seems no evidence at all that anyone was backing Oates in the first instance. He was playing a lone hand. He had a streak of luck, and great rewards fell upon him. This seems to have turned his brain.

The bogus convert, who had asked charity of the Jesuits in order, as he now said, to betray them, was the people's darling. He and his friend Tonge had rooms at a rental of £60 at Whitehall. For "dyett and expenses" he had £12 a week. Within twelve months he received £945, 18s. He wore a bishop's robe, minus the lawn sleeves, and was waited upon by several gentlemen, "who vied for the honour of holding his basin." His sermons were public events. Crowds followed him in his walks abroad. At City tables his health was drunk first after the King. The Whig nobles and merchants patronized him, and every day the man became more rude and ungovernable, and his evidence in Court more reckless and incredible.

And yet he was to be met with at tables where the host,

one might have thought, could have sent out his invitations without an eye to political advantages. Oates was on friendly terms with Dr Peter Gunning, the sturdy Royalist scholar and theologian, who was then Bishop of Ely. Sir John Reresby met him at dinner at the Bishop's house, and relates that Oates said things about the Duke of York and the Queen Dowager for which that good Tory, Sir John, was bound to reprove him, since no one else dared to do so. Thereupon the doctor threw himself out of the room in a temper, and the guests were fearful lest they should have incurred his displeasure. The Bishop told Reresby that "such was the general drift of his discourse, and that he had sometimes checked him for the indecency of his talk, but to no purpose." Nor was the Bishop of Ely the only friend he had upon the episcopal bench. The Archbishop of Canterbury, the gentle, saintly William Sancroft, used to invite him to Lambeth, and recommended him for promotion, and it was fully expected that the man would ultimately himself receive a bishopric. These facts are difficult to reconcile with the popular accounts of him as a loathsome and repulsive personality, both morally and physically, which the pamphleteers of the Court published in luxuriant detail. These have been too readily accepted. Historians are like draughtsmen of Chancery affidavits, who are always ready to state any proposition under cover of the preface, "I am informed and credibly believe." I have often thought "credulously" would be the more accurate adverb.

But though Oates was undoubtedly a man who in his day attracted divines of various beliefs, and was a scholar and theologian of sorts and not the Caliban that his enemies pictured him, yet he was a fanatic and a rogue, and behaved with intemperate vanity in the days of his prosperity.

For two years he lorded it over his little world, and was a popular hero. It was roses, roses all the way; but Nemesis awaited him, and the law that had battened on his perjuries was, in a very literal fashion, to turn and rend him.

It was in the summer of 1679, in Wakeman's case, that his credit received a severe blow, but so keen were the political antagonisms at the time that the populace were by no means satisfied that their favourite witness had had fair play, and that the influence of the King had not been thrown into the scales of justice to weigh them down against the Protestant cause.

The trial of Sir George Wakeman was a turning-point both in the career of Oates and in the popularity of the Popish Plot. A fickle crowd began to weary of the same plot story told and re-told. Their flesh refused to creep and their credibility ceased to react to the stimulus of Oates's fairy tales. But they were angry with judge and jury over Wakeman's acquittal rather than with their hero, for they had been promised a very sensational scandal.

George Wakeman was a zealous Roman Catholic. He was educated at St Omer. Very little seems known about his professional career. If he had any medical degree it was probably a foreign one. He was a Royalist, and was involved in a plot against the Protector, for which he was imprisoned. He must have practised as a physician, for he appears to have attended Sir Joseph Williamson in 1668. He had been created a baronet at the Restoration. About 1670 he was appointed Physician-in-Ordinary to Queen Catherine of Braganza. Evelyn says he was well acquainted with him, and thought him " a worthy gentleman, abhorring such a fact " as that with which he was charged.

On July 18th, 1679, Wakeman and three Benedictine monks, William Rumley, William Marshall and James Corker, were brought to the Bar at the Old Bailey, charged with high treason in compassing the death of the King by poison. Oates was again the chief accuser, and told a long detailed story of a visit with Fenwick and Harcourt to the Queen's apartments; afterwards they visited Wakeman, who was offered £10,000 to poison the King. He asked for £5000 more; this was agreed to. Oates saw the receipt

A
A
A
B
C
D
E
See here the Devils Darling, plotting still
With Blood & Treasons all ỹ. world to fill,
Pops. His Romish stratagems, Loe, Non can tell
Who cañot fathom to ỹ. Depth of Hell.
Nothing but Murder'd Kings can him suffice
And flaming Citys as a Sacrifice
Yet see behind his chaire Whom Heav'n hath Sent,
Whom God hath made a timely Instrument
Englands intended ruine to prevent
Oates That which, ỹ. Devil & ỹ. Pope combin'd
Against our King and Protestants design'd.
Discloṡ'd and frustrated by him wee find.
The Emblem Explayn'd
A.A. the Popes Cabinett.
B the Pope writing to the Jesuits to be diligent in the careing on the Plott.
C Mr. Oats who vnseene lokes over his shoulder & sees all his Contrivances.
D the Popes Crone who cries friend Oates is behind you.
E the Popes title of Supremacie falling donne occasioned by his sudaine motion.
F a Blott which his Surprise made him fall upon ỹ. word Roman in his Letter.
G a crowne Mr. Oates gives him more fitt for his Head then the former.

OATES, THE DEVIL, AND THE POPE

From an old print.

for the money. Oates also referred to an earlier visit, when he saw Wakeman write a note and heard him say the Queen would assist his plans.

Now Evelyn, who heard the trial, says of the witnesses, " their testimonies were not so pregnant, and I fear much of it from hearsay." And after the verdict he adds, " I look upon Oates as a vain, insolent man, puffed up with the favour of the Commons for having discovered something really true, more especially as detecting the dangerous intrigue of Coleman, proved out of his own letters, and of a general design which the Jesuit party of the Papists ever had and still have to ruin the Church of England." And Evelyn, who heard the man, thinks that the method of his lying was to repeat, as facts happening to himself, the secrets which he had picked up at St Omer and elsewhere of what were the intentions of the left-wing Jesuits. Be this as it may, his evidence failed.

The trial was presided over by Lord Chief Justice Scroggs, who up to now had been a great upholder of Oates and the Plot. But he had recently visited Windsor, and his reception of the Crown witnesses was noticeably less enthusiastic than heretofore. Jeffreys was one of the Bench as Recorder of London. He too was meditating leaving the Whigs and joining the Court party about this time.

The witness that saved Wakeman's life was Sir Philip Lloyd, clerk to the Privy Council. He deposed that Oates's earliest story was merely that he had seen a letter from White to Fenwick at St Omer, " in which he writ word that Sir G. Wakeman had undertaken the poisoning of the King, and was to have £15,000 for it." This was the whole of the original story, but here at the Old Bailey Oates had sworn to seeing Wakeman write such a letter. This confirms my belief of the way in which his evidence was evolved.

But Lloyd's evidence went further than this, for Wakeman was sent for, and when he came and heard the charge, instead of denying it he talked about his loyalty and

honour, and blustered about reparation. This of course may be consistent with either innocence or stupidity, or may indicate that he was waiting to find out what was really known against him. Lloyd goes on to say that "his carriage was not well liked by the King and Council," and they recalled Oates because the evidence of the letter of the third party did not seem to them sufficient. Then Heneage Finch, the Lord Chancellor, himself desired Oates "to tell him if he knew nothing personally of Sir G. Wakeman," and pointed out the importance of personal knowledge in a matter of such moment.

To this Titus Oates lifted up his hands and said: "No, God forbid I should say anything against Sir G. Wakeman, for I know nothing more against him."

Oates complained that he thought Lloyd was mistaken, and that he was so weak and tired at his examination that he forgot things.

Scroggs sneered at him: "It did not require such a deal of strength to say, 'I saw a letter under Sir George's own hand.'"

North intervened, being rather shocked that his brother Chief should so speak in open Court to a Crown witness: "Well, well, it must be left to the jury."

Oates, like the vainglorious ass that he was, instead of keeping quiet, blurted out: "To speak the truth, they were such a Council as would commit nobody."

"That was not well said," interposed Mr Recorder Jeffreys.

"He reflects on the King and all the Council," cried Sir George Wakeman.

The mob were dismayed. To hear the mighty Dr Oates reproved in open Court by the Lord Chief Justice and the Recorder of London, in unison with a Papist prisoner at the Bar, was a portent. That moment was a crisis in the political history of the Popish Plot. It was also a turning-point in the lives of two of the actors in the drama. It was

the place where Jeffreys took to the broad road of Court favour and prosperity, and where Oates began to slip from the heights to which his vanity and fanaticism had carried him.

The trial continued for nine hours. Scroggs in his summing-up plainly intimated his opinion that Lloyd's evidence was worthy of careful consideration. The faithful mob listened in dismay. Bedloe interrupted him, "My Lord, my evidence is not right summed up."

"I know not by what authority this man speaks," retorted Scroggs, and he continues to impress upon the jury that if they are not satisfied that the Crown witnesses have spoken truly they will do well to acquit the prisoners.

The jury retired. The judges went off to supper, leaving the Recorder to take the verdict. In an hour the jury returned and asked if they might bring in a verdict of misprision of treason. Their idea may have been that the prisoners had heard of, and concealed the plot against the King.

"No," said Jeffreys, "you must either convict them of high treason or acquit them."

"Then take a verdict," said the foreman, and after the usual formalities they declared the prisoners "Not Guilty."

Wakeman sank on his knees crying out: "God bless the king and the honourable bench!"

The mob were infuriated. Pamphlets poured forth on both sides of the controversy as to the justice of the verdict. Wakeman fled abroad. The Whigs openly charged Scroggs with having been bribed. Scroggs was pelted with slander, much of which had some foundation. Oates told the Lords of the Council "that he would not positively say it, but he believed he should be able to prove that my Lord Chief Justice danced naked," a pastime that Jeffreys also took to in his cups. Scroggs published an eloquent and witty defence. The Wakeman controversy is full of good reading for the student of scurrility.

The prosecutions for the Popish Plot continued, but

little by little the enthusiasm for them dwindled away. The Catholics tried to turn the tables on their opponents. Their first effort was the invention of the Meal Tub Plot. This was engineered by a notorious midwife named Mrs Cellier, who had many fashionable clients. She discovered a good-looking rascal named Dangerfield in a debtor's prison, and released him at a cost of £500. Lady Powys was their patron, and the business was financed by the Duke of York's party. Dangerfield was to have been the Oates of the business, and discover the plot and find the papers in Mrs Cellier's Meal Tub. Lady Powys brought Dangerfield to the Earl of Peterborough, who introduced him to the Duke of York; he gave him twenty guineas, and carried him to the King who gave him forty guineas. But it is one thing to exaggerate and embroider a plot that exists and quite another to invent and prove a sham plot. The wretched fraud was suspected by Coventry and North. Dangerfield got frightened. He went to Sir Robert Clayton, then Lord Mayor, and confessed that the whole business was planned by the Papists to ruin their adversaries. Barillon described the affair as a zealous effort of the Duke of York's friends to ruin the Earl of Shaftesbury, but it throws light on the political methods of the Duke's party.

The Rye House Plot was a more serious affair, and the executions that followed showed that the Court party were once more in the ascendant. In 1681 Charles had obtained an agreement with Louis XIV. for a three years' supply, and was able to defy the Whigs and dissolve the Parliament at Oxford. From that time the business of imposing the Catholic religion upon the country passed out of the hands of the left-wing Jesuits and other faithful and fanatical extremists, and was left in the hands of Charles and his advisers. Titus Oates was no longer a power in the land.

It was not, however, until after the death of Charles that the Duke of York was able to take his full revenge upon him. Charles, having considerable knowledge of his

falsehoods and exaggerations, had nevertheless allowed his Privy Council to accept Oates's evidence and had permitted the prosecutions to take place. Doubtless the King had been satisfied that in many of the trials, as in Coleman's case, for instance, substantial justice had been done. In any case it would have looked ill if Charles had turned upon the witness of the Crown whom he had encouraged.

Oates never altered his attitude towards the Catholics and their conspiracies, and the consistency or obstinacy of his faith remained with him always. Although he had been stripped of both his retinue and his pension, he still went about the City prophesying woe and calling the Duke of York a traitor, and on May 10th, 1684, he was arrested at the Amsterdam Coffee House, in an action of *scandalum magnatum*, at the instance of the Duke of York himself.

This was a shrewd move of the Duke's lawyers, and perhaps proceeded from the clever brain of Jeffreys himself when he was the Duke's attorney-general. This ancient law of *scandalum magnatum* made any words spoken of prelates, dukes, earls and other nobles actionable, and the defendant was not allowed to justify his statements, let them be ever so true, since the King was concerned in such actions. Nevertheless he might, if he could, explain them away or extenuate their meaning. The law was of respectable antiquity, founded on a statute of Edward I. brought up to date by Elizabeth. It was repealed in 1887, but we clung to it until then in deference to our conservative maxim *nolumus leges Angliæ mutari*.

Oates's case was only one of many by which the Duke of York endeavoured to terrorize and silence his critics. All governments have loved these methods of stifling discussion and public knowledge of what is going on in public departments. We have our Official Secrets Act and other bureaucratic *oubliettes* to-day, which would be readily used against citizens but for the watchfulness of our judges and the press. But the Duke of York had Jeffreys in his

pocket, as the saying is, and the Lord Chief Justice gloried in serving his master. The action of *scandalum magnatum* ruined many of the Duke's enemies, for the damages were usually fixed at £100,000. Sir Francis Drake of Devonshire, hearing that a writ was out against him, sold his estate and fled, "thinking it better to have his liberty in a foreign country than be laid up in his own for £100,000."

It was, of course, useless for anyone to attempt to defend the action even if he were innocent; and probably there were few Englishmen who in past years had not expressed some opinion of the Duke of York that judges would hold to be within the statute of *scandalum magnatum*. Oates had all his life been a railing, noisy braggart, and it was his wont to call a spade a spade, and his favourite phrase for the Duke was that he was a traitor, a word which has always been and still is an English term of abuse among vulgar persons with which to describe a politician differing in opinion from the speaker. If Oates had been a duke and the Duke of York a commoner he too could have had an action of the same sort.

This may have been in Mr Attorney's mind when he said, in opening the case: "The Defendant, my Lord, has been a person pretty much talked of too."

To which Jeffreys, uttering the world's customary defence of the slander of public men, said: "Yes, truly, it is done with regard to him too; for he has been an eminent man in his way."

Oates made no appearance or defence, and the jury, under Jeffreys' direction, considered their verdict "standing at the bar," and assessed the damages, which was all they were asked to do, at the usual figure of £100,000.

In this way, on June 18th, 1684, the public career of Titus Oates seemed to have ended. For now he was thrust into the King's Bench prison and heavily ironed, and in this foul jail he might well have been left until pestilence or disease released him.

But at noon on Friday, February 6th, 1685, Charles passed away, James came to the throne and at once began that campaign against the Protestant religion and the enemies of the Roman Catholics which he had been secretly maintaining for so many years. That a man of his type should desire to wreak his immediate vengeance upon Titus Oates was obvious and natural. Oates had undoubtedly unmasked the plot. He had discovered Coleman, the Duke's secretary, and brought him to justice, and had cleared the country of many Jesuit emissaries. A wiser ruler would have left Oates where he was. For to many thousands of simple Englishmen, who dreaded Roman dominion, Oates was still "the saviour of the nation." But the martyrdom of a popular hero is the hall-mark of incompetence in a ruler. And to place personal hate and spite before social advantage ultimately ensures the destruction of the ruler who resorts to such folly. If history were to be written in the form of Leading Cases, *James II.'s Case* would, I think, be chosen to illustrate this principle. It was his Herodian delight in cruelty and massacre, and his lack of humour in applying these stimuli to the conversion of his fellow-men, that brought about his ruin.

One cannot blame the Jesuits for their joyful energy in collecting witnesses against their hateful enemy, and so eagerly was all this done that the first indictment for perjury against Oates was ready for hearing by Jeffreys by May 8th, 1685. On this he was tried and found guilty, and a second indictment was tried the next day with similar result.

There was evidence on which it was reasonable to convict Oates, but he put up a brave and energetic defence, sticking to the truth of his utterances, and prophesying that in due course the truth of his stories of Jesuit conspiracies would be made manifest. Jeffreys evidently enjoyed his task of trying the cases, and treated his big fish with sporting respect, allowing him a good deal of play. At times he reviled him, it is true, but Oates gave

back as good as he got; and in the long record of the trials it is clear that, whatever may be thought of the man and his morals, he made a dignified and able defence, though he must have known that he had no hope of success and that a horrible fate awaited him.

And though the Hall was crowded by Roman Catholics and the King's friends, Barillon notes that when Oates left Westminster, Lord Lovelace threw his arms round him and complimented him on his steadfastness.

The actual sentence, one of the most brutal recorded in the records of State trials, was delivered on Saturday, May 16th, by Mr Justice Wythens under Jeffreys' direction, who expressed his pleasure at the details of it and his regret that he could not pass sentence of death. But it was obvious that the intention of the Court was to pass a sentence of torture which, if carried through, would result in death.

And, first, the prisoner was to be fined 1000 marks, and next stripped of his canonical habits, a matter of doubtful legality. Then, on Monday, he was to be pilloried outside Westminster Hall for an hour in the morning, and at the Royal Exchange for an hour in the afternoon. On Wednesday he was to be whipped from Aldgate to Newgate, and on Friday from Newgate to Tyburn. If he survived he was to be imprisoned for life, but to come out on several annual dates fixed by the Court to be placed in the pillory.

A Tory broadsheet, written by someone in the Hall, says that "after the sentence Oates said nothing intelligible, there being presently a great noise in the Court; then the Court bid the officers take him away, which they did in great haste; when he was got down into the Hall he was welcomed with very loud salutations proper for the occasion, and so all the way to the Water at Westminster stairs, where they took Boat for him to convey him back to the King's Bench, where we leave him till Monday, when he will mount a stage fit for such an actor to play his part on."

This call to the Catholic mob was duly answered, and, on Monday, in Palace Yard they pelted him joyously and would have lynched him had they been able. But at the Royal Exchange the case was altered, for in the City his friends raised a riot and attempted a rescue, but this also failed. The next morning he was brought out to undergo the first flogging. This job was in the experienced hands of Mr Ketch, the hangman, and his assistants, and he made use of a whip with six thongs. Huge mobs filled the streets, and the victim's sympathizers were in the majority.

Mr Nathaniel Reading, a native of York visiting London, who witnessed the first procession through the City, says that "he saw Oats that discovered the Popish Plot, whipped, according to his condemnation, most miserably; and as he was hail'd up the streets the multitude would much pitty him, and would cry to the hangsman or he whose office it was to whipp him, 'Enough! Enough! Strike easily! Enough! etc.' To whom Mr Oats replyd, turning his head cheerfully behind him, 'Not enough, good people, for the truth, not enough!'"

But at the end of the torture the wretched man collapsed, and the next day some humane persons entreated James to cancel the second operation. The King, however, who took pleasure in tortures, as some abnormal human beings do, is reported to have replied: "He shall go through with it if he has breath in his body." Application was made to the Queen, but it was unlikely she would speak a word in favour of the man who destroyed her secretary, Coleman, nor would it have been of any service to the prisoner had she proved of a merciful disposition.

And, as the King decreed, after an interval of forty-eight hours, the wretch was carried out of Newgate. Dr Calamy, a youth at the time, saw him, and says, "his back, miserably swelled with his first whipping, looked as if it had been flayed." As he was quite unable to stand

it was not possible to drag him at the cart's tail, so Ketch and his men fixed him on to a sledge, and he made the journey to Tyburn, the executioners lashing his lifeless, mangled body amid the groans of the spectators. In this way he received, it is said, no less than 1700 blows, and this unprecedented torture was commented on by many who were not as yet averse to James's accession, and even some of Evelyn's friends expressed the view that the punishment was " severe and extraordinary."

But where it failed, from the Court point of view, was that when the day's work was over the wretched man was found to be still living, and so the jailers carried him back to the King's Bench prison, put him in irons and threw him into their darkest hole. Now when these things became known throughout the country, the effect on the simple Protestants and Dissenters was to hearten them in their belief that the Lord was on their side and that the " Saviour of the Country," as they called Oates, had been saved from death by the intervention of Providence. And had not James been as ignorant and bigoted as many of the poor folk he was out to destroy, he might have foreseen the consequences of such sentences and executions.

But, on the contrary, he, according to Roman Catholic precedent, was going to revive the old methods of conversion by terror, which had succeeded in the days of Mary, and the destruction by such means of the " pestilent heresy " was now to be his life's work. There was no further need for any Popish plots. The work of breaking down the constitution and religion of the country was in the hands of the King and his Jesuit ministers. He was profuse in his promises to his people that he had a true English heart, and would uphold the honour of the nation, and would support the Protestant Church, but as M. Barillon's letters show, these were false professions arising out of and in the course of the business of government. There

is no lash with six thongs for the perjuries of statesmen, else it would be but an uneasy profession.

And while James was buttering the parsnips of Protestantism with fair words, he was also promising the Jesuits that he would at last deliver over to the exclusive care of Roman Catholics all places of power in the army and in civil government.

And as he told Father Clare, the Jesuit, to whom he described himself as "a son of the Society"—which was very true, for his actions were largely dictated by Jesuit advisers—"He would either convert England or die a martyr; and he had rather die the next day and convert it than reign twenty years piously and happily and not effect it." And to minds like his there is only one method of establishing a faith, and that is by destroying those who will not accept it.

Titus Oates was now down and out, and passes from the story. And the King expressed his gracious thanks to his servant Jeffreys for his service in the business by making him Baron Jeffreys of Wem in the County of Shropshire.

Chapter X : *The Rise of Jeffreys*

It is always interesting to watch the voyage of an ambitious young barrister from the outer Bar to the haven of the Woolsack. Jeffreys, from the first, offended against all the professional canons of etiquette and good taste in his endeavours to make his way. He was, however, more than the mere "impudent, raving, conceited fellow" that his detractors despised. He was a young man in a hurry, it is true, but he was a youth of exceptional ability, and had insight, business brains and push.

In the early days of the Popish Plot, Jeffreys, as Recorder of London, either took part as counsel for the prosecution or, if the trial was at the Old Bailey, sat on the Bench with the judges. He was, as we have seen already, attorney-general to the Duke of York. But this was probably merely an honorary Court appointment. Jeffreys never became a Roman Catholic, and at this date the Duke of York himself was suspect, and had but an uncertain hold on his brother's affections. So that we do not find Jeffreys running any risks by immediate desertion of popular principles or too open adherence to the Court service. In passing sentence on Ireland, Pickering and Grove, he followed the lead of Scroggs, on whose methods he modelled his own, and railed at the "Masses, tricks and trumperies" of the Roman Catholics, and boasted to the prisoners that "though we whom you call Heretics, abhor to own any such religion; yet we are not afraid to tell you, and all others who are ensnared into your principles, we will maintain the religion and the government as it is established with our lives and fortunes."

But this mood did not last long. Jeffreys foresaw that

the King and the Duke of York were more powerful patrons than the Whigs, and easier for a man of his temperament to serve to his own ends. He became an "abhorrer," and at his last appearance as Recorder gave a brave display of his contempt for his old party on the trial of a Dissenter named Francis Smith.

Jeffreys' detestation of Dissenters was quite genuine. It led him into many indiscretions. Like strong drink, it was a passion that he could not master, and when he was under the influence of both he behaved like a man possessed.

Francis Smith, in a pamphlet of some power, attacked the Mayor and Sheriffs for want of economy in their feasts, and complained that the Sheriff's office was so expensive that no poor man could hold it. For this he was indicted for publishing a book calculated to disturb the public peace. The Grand Jury, however, to Jeffreys' disgust threw out the bill. Short-sighted citizens to-day often clamour for the abolition of the Grand Jury, little understanding that it is a democratic body of the highest constitutional value. In those days it was the main bulwark between citizens and a flood of tyranny, and in future ages Englishmen may again find the Grand Jury maintaining their liberties against the arbitrary despotism of bureaucracy.

When this particular Grand Jury brought in *ignoramus*, —or "no bill" as it is called nowadays—Jeffreys ordered them before him, and endeavoured to bully them into a more complying disposition. "God bless me from such jurymen," he cried; "I will see the face of every one of them, and let others see them also. I will hear them repeat, every man of them, their own sense of this bill, thus exposing them to all possible contempt."

As H. B. Irving rightly says, "The terror of Jeffreys' countenance when moved to indignation has become a household story." He evidently possessed some peculiar power whereby his abuse and threats and physical contortions drove simple nervous people into paroxysms of

fear. A psychologist or nerve specialist might be able, from the many contemporary accounts of this unpleasant trait in his judicial behaviour, to explain its physical cause and effect. One reads of it and wonders. Why was the man endowed with this curious and disgusting power, and why was he unable to control himself from exhibiting it?

In this case it failed to terrorize the Grand Jury, because, although he dealt with them as units, they were still members one of another and answered individually their corporate decision. This gave them courage to prevail. Jeffreys had the bar of the Court cleared. Three times did he make each Grand Juror pass before him, and to his intense surprise and disgust one after the other they all pronounced the magic word *ignoramus* in a clear, ringing voice.

Terrorism of a compact human body of earnest men was too much even for Jeffreys, and "in a transport of rage" he dismissed them with the assurance that "It was impossible for God from heaven to pardon their perjury."

Smith was sent back to Newgate, but later released on bail, and Jeffreys had ultimately to resign his Recordership after having submitted to a reprimand on his knees at the bar of the House of Commons. But he had given the King and the Duke of York a display of his peculiar talents in administering justice, and here was a man fit to serve them in their attacks on the liberty of their people. From this moment his star was in the ascendant. He at once became Chairman of Middlesex Sessions, and presided at Hicks's Hall on Clerkenwell Green, a mean Court-house with a round house attached and a pillory adjacent, which were built by the wealthy mercer, Sir Baptist Hicks, in the reign of James I.

Jeffreys was now, in 1680, only in his thirty-third year, and when Charles arranged with Louis for a supply of money to enable him to dissolve Parliament in March 1684, there were immediate tasks for a lawyer of his type which were bound to bring promotion. Jeffreys was great in all the

prosecutions of the Whigs, and took a leading part in the *quo warranto* proceedings by which the cities were gradually deprived of their charters and privileges, which so many of them had consistently used in defence of popular liberty.

He was now appointed Chief Justice of Cheshire, where he went circuit to enjoy baiting Dissenters and behaved in so drunken and indecorous a fashion that he called down upon himself popular rebuke. He was still an influence in the City, and took an active part in the election of Tory Sheriffs to replace the independent Sheriffs who had called together the *ignoramus* jury which had administered such a snub to the late Recorder. He loves to prance about on the high horse and belabour underlings who thwart his desires. He is found committing a Whig Under-Sheriff, named Goodenough, to jail for not providing him and his brother justices with sufficient feasts at Hicks's Hall. But he was capable of great services to his masters, and he undertook with enthusiasm, energy and ability the prosecution of Lord Russell and the other conspirators of the Rye House Plot. He was in fact an excellent specimen of the political hack lawyer, and it soon became obvious to his contemporaries that he was on the trail leading to the highest professional advancement. Like many a man of this type, when he was not engaged in hack work, and had for the moment no ulterior end to serve, he showed many good qualities in his conduct of cases, both at the Bar and on the Bench. I shall always remember with interest and respect that he is one of the earliest judges reported to have said a word in favour of a prisoner's right to be heard by Counsel. "I think it is a hard case that a man should have counsel to defend himself for a two-penny trespass and his witnesses examined on oath; but if he steal, commit murder or felony, nay, high treason, where life, estate, honour and all are concerned, he shall neither have counsel nor his witnesses examined on oath. But yet you know as well as I that the practice of the law is so, and the practice is the law."

This *obiter dictum* was made in Rosewell's case, which Jeffreys had tried with his characteristic bias, most unfairly to the prisoner. He was speaking to Pollexfen, who was raising technical points to help not only the unfortunate prisoner, but also the servile judge, who had gone further in the business than the Court wished, and was looking for a loophole to escape from his blunder.

What happened was this. Thomas Rosewell was a learned divine of respectable family and good character. He had been educated at a school at Bath and then at Westminster under Busby, and then went to Pembroke College, Oxford. Afterwards he held various positions as a Presbyterian minister. But he had always been a loyal subject. Of recent years the troubles of the time had compelled him to abandon his meeting-house, and he had taken to addressing conventicles in private houses. Had he been attacked for this he could scarcely have complained, but his enemies or the authorities sought to destroy him by charging him with preaching sedition and treasonable abuse of the King.

Three women were sent to dog the steps of the faithful to their meeting-places, smuggle themselves in and take notes of his sermons. They were the class of women that the police often use as spies and provocative agents, who, by reason of their course of life and previous convictions are ready to do as they are ordered. Two of them were common informers, one had been pilloried, the other was subsequently whipped, the third was probably a novice in training. They were the sole witnesses of fact. It is usual to excuse Jeffreys and the other judges who sat on the Bench for believing in these stories by saying they were deceived by wicked people. This seems to me an insult to their intelligence. Either Jeffreys, as in the case of Oates and Bedloe, believed the facts they stated, because from other information before him they were reasonable and probable, or accepted their evidence, though he had a shrewd sus-

picion it was false, because he desired for reasons of public policy or private prejudice to destroy the prisoner.

From his behaviour at Rosewell's trial I cannot believe that he thought much of the women's story against the prisoner, but his mania against Dissenters overcame his judgment. Rosewell had been arrested on the judge's warrant, dragged out of his bed and carried to Jeffreys' house in Aldermanbury early in September. The Chief Justice received him like "a roaring lion or raging bear," and was not mollified when his prisoner answered him in a Latin sentence. Jeffreys rudely told him he could not speak another word in Latin "to save his neck." To this further insult Rosewell replied in Greek, on which his captor sent him to the Gatehouse, and neither his wife nor his friends were allowed to see him. It was probably this original encounter that made Jeffreys treat him with ceremonious courtesy during his trial, though whenever he got an opportunity of a telling interruption or rebuke he did not allow it to pass.

Rosewell called many witnesses, and proved conclusively that he had ever prayed heartily and loyally for the King. Jeffreys told several of them they were canting, and interrupted one of them with the encouraging words, "We know very well you snivelling saints can lie." At the same time he did allow the prisoner to call all his witnesses and make his argument. H. B. Irving says of his favourite, "He meant to get a conviction, and set about it as decently as possible." If this sentence only means "the possibility of decency within the competence of Jeffreys," I am inclined to think it is a fair statement of his behaviour. Jeffreys had his way with the jury, and the prisoner was convicted. But there were legal points on the indictment to consider, and these were adjourned for argument. It was on this argument that Mr Pollexfen was assigned to the prisoner as his Counsel. He was a friend of Jeffreys. The people in Court, who did not know that the King objected to Rosewell being made a martyr, were surprised to hear Jeffreys receiving

with favour Pollexfen's legal points and snubbing the Attorney-General and the Crown lawyers.

But it was obvious to Charles, and indeed to all men of sense, that the evidence of spies of this class could but too easily be used by party opponents. Sir John Talbot, who had given evidence for Rosewell, went to the King and told him boldly that a gentleman and scholar was in danger of his life through evidence on which he would not hang a dog. "Sir," he said, "if your Majesty suffers this man to die, we are none of us safe in our houses."

The King sent for Jeffreys, and that astute expert saw not only that a motion for arrest of judgment would be a handy way out of his muddle, but the procedure would give him much entertainment in teasing the Crown Counsel over the alleged incompetence of their indictment. Lawyers love to exhibit the frailties of their neighbours.

It was for this reason that Jeffreys invited his old friend Pollexfen to be the assigned Counsel for Rosewell. Pollexfen was a match for all the Crown lawyers in quibbling over the Latin of an indictment. I fancy it had been drafted by young North, brother of the Chancellor, who was much disliked by Jeffreys. For when he as junior asked to be allowed to say a word after his leaders had ended, Jeffreys said facetiously, "Ay, Sir, let every man be heard, in God's name," and almost immediately afterwards snuffed him out by telling him it was "so loose a hung-together indictment as truly I have scarce seen." On which Mr Attorney sprang up to protect his junior, and they went at it again hammer and tongs.

All this is only interesting to lawyers, who in their own day have observed with amusement personal contests of their colleagues on the Bench and at the Bar, who are thinking more of scoring points in a game of skill than of advancing the interests of their clients. One wonders what poor Rosewell, whose life hung in the balance, thought of the jargon and malice of these mighty men of law.

The best part of the jest was that the point at issue was never decided. Probably it was arranged among them all that it should not be decided. It was not politic to advertise to the public that the Attorney- and Solicitor-General could not draw a good indictment, nor was it wise to suggest to Dissenters that legal defences might over-rule the injustice of a Lord Chief with a Tory jury upholding Crown witnesses. These things were sacred traditions. So Charles pardoned Rosewell, and when the adjourned argument came on for hearing he pleaded his pardon, and the case was over.

Jeffreys' conduct in Baxter's case, which came before him on May 30th, shortly after Charles's death, was even more offensive to the principles of English justice, and exhibited in a fouler manner his rabid hatred of Dissenters, than even his treatment of Rosewell. And these things must be remembered because they throw light on why he was chosen to go the Western Circuit after Monmouth's rebellion, for the responsibility for the infamy of his conduct of the Assize lies as much on the King, who sent him on the campaign, as on the wretched man who disgraced his office.

Baxter applied to Jeffreys, who was sitting in Westminster Hall on May 18th, 1685, for further time to instruct Counsel, at the very moment that Oates was standing in the pillory in Palace Yard. This gave Jeffreys a fine opportunity of showing his quality. "Not a minute!" he cried in a raging fury, "not to save his life. I can deal with saints as well as sinners. There stands Oates on one side of the pillory; and if Baxter stood on the other, the two greatest rogues in the kingdom would stand together." In such words did the Lord Chief Justice of England dismiss the application of a citizen who had yet to be tried.

James had less sense of diplomacy than Charles, and approved both the methods and manners of his Lord Chief Justice. When the next day Parliament met, Jeffreys took his seat in the House of Lords as Baron Jeffreys of Wem.

North, the Lord Chancellor, was known to be ailing, and already the gossips in the Temple were canvassing the chances of the new peer. It was a critical moment in Jeffreys' career—more than ever was it necessary that he should please his master.

On May 30th he had a busy day. In the morning, starting at Westminster at eight o'clock, he convicted Dangerfield, the witness who had served the Duke of York, and his agent, Mrs Cellier, in starting the Meal Tub Plot, and afterwards confessed that it was a fraudulent business. He received a similar sentence to Oates, but the wretch was murdered by an indignant Tory gentleman poking his eye out with a cane as he was finishing his first instalment of whipping.

In the afternoon the Lord Chief Justice arrived at the Guildhall to preside at the trial of Richard Baxter. We must remember that this great divine, though a chaplain in Cromwell's army, had never been an extremist. He had joined the supporters of the Restoration in hope that it would bring peace to the country. Charles had made him his chaplain, offered him a bishopric, which he had refused, and had always treated him with personal courtesy and respect. But James at the moment was hot on his religious crusade against Dissenters, and to degrade and punish so honest and powerful an opponent was to his narrow way of thought a piece of shrewd statecraft.

Richard Baxter was an old man of seventy when he stood at the Bar in front of the Lord Chief Justice. The charge was one of seditious libel, arising out of some words in his "Paraphrase of the New Testament," that reflected on the bishops. This being a misdemeanour, he was allowed to be represented by Counsel, and Pollexfen, with Wallop and other eminent Whig lawyers, sat waiting the arrival of the Chief in the Guildhall.

Soon after two he came into Court, and it could be seen that already he was in one of his inflamed humours. A

short case was tried, and this finished, the Clerk was about to call on another, when Jeffreys shouted angrily at the officer, calling him a blockhead, and saying, " The next cause is between Richard Baxter and the King."

In a sense I think the infamy of Jeffreys' misconduct on the Bench reached its very lowest depth in his behaviour to Baxter and his Counsel. When we remember that here there was no excuse of treasonable conduct to excite judicial odium, one might have expected this glorified young place-hunter to have respected the best traditions of the office he had attained.

He might at least have addressed his victim with courtesy instead of hurling foul abuse from the highest seat of justice in the land against a citizen of pure and honest life, whose only offence against the State was his religious belief.

But this was what fired the judge's rage, and whether inebriated by hate or wine, or a mixture of both, his antics were disgusting. At one moment he began mocking the defendant by throwing up his hands and drawling through his nose : " Lord, we are Thy people, Thy peculiar people, Thy dear people," in mimicry of what he conceived to be dissenting methods of worship.

Jeffreys had a great dislike of Mr Richard Wallop, a courageous advocate, who appeared for many of those persecuted by the Government. He delighted to insult this gentleman, and when he rose to address him on Baxter's case, the Lord Chief attacked him at once.

" Mr Wallop," says he, " I observe you are in all these dirty cases ; and were it not for you gentlemen of the long robe, who should have more wit and honesty than to support and hold up these factious knaves by the chin, we should not be at the pass we are at."

It is an obscene bird that fouls its own nest, and even in those dark days one of the traditions of the Bar was that it was Counsel's duty to appear for a subject against the

Crown, however much he might personally disagree with his client's principles. As Erskine said at a later date when he appeared for Tom Paine and was criticized for doing so, "I will for ever, at all hazards, assert the dignity, independence and integrity of the English Bar; without which impartial justice, the most valuable part of the English Constitution, can have no existence." Jeffreys was immune from such ideals. He regarded his profession as an arena for office-hunters in which he was a successful gladiator. There are some who in more recent times have followed his example and had their share of the loaves and fishes, but they are not the men who have been beloved by their own generation, or are remembered with honour by the Bar of to-day.

When his Counsel had all endeavoured to argue his case, and ceased, after continuous insults from the Bench, to carry on the useless struggle, Baxter himself intervened to say a few words, and the judge stopped him. "Richard, Richard," he said in his jeering way, "dost thou think we will hear thee poison the Court? Richard, thou art an old fellow, an old knave; thou hast written books enough to load a cart; every one is as full of sedition as an egg is full of meat; hadst thou been whipped out of thy writing trade forty years ago, it had been happy. Thou pretendest to be a preacher of the gospel of peace, and thou hast one foot in the grave, it is time for thee to think what account thou intendest to give; but I leave thee to thyself, and I see thou wilt go on as thou hast begun; but by the grace of God, I'll look after thee. I know thou hast a mighty party, and I see a great many of the brotherhood in corners waiting to see what will become of their mighty Don; and a Doctor of the party (this was the "silver-tongued divine," Dr Bates) at your elbow; but by the grace of Almighty God, I will crush you all."

The servile jury did not leave the Bar, and found Baxter guilty as the Lord Chief directed. He was remanded for

sentence. As he left the Hall he said to Jeffreys, alluding to a man who had befriended the Judge in his young days, the great Sir Matthew Hale: "there was a Chief Justice once who would have treated me differently."

Jeffreys, swollen with pride and joyful in his success with the jury and the thought of the King's pleasure at the report of his day's work, answered him rudely: "There is not an honest man in England but looks on thee as a knave."

On June 29th Baxter was fined £500 and ordered to prison until he paid, and to give security for his good behaviour for seven years.

The Chief Justice proposed that Baxter should be whipped at the cart's tail. But the majority of judges, having a fear in their hearts at the portent of the Western rebellion and the continued unsettled state of London, deemed it an inconvenient moment at which to make a martyr of a divine who had been offered the See of Hereford by Charles II. and was reverenced throughout England. They persuaded Jeffreys to a milder sentence. Baxter was imprisoned in the King's Bench and remained there until November 24th, 1686, when James was changing his political strategy and trying to win over the dissenters and use them as allies against the Church of England.

The good man lived until 1691, and saw the triumph of the principles for which he had suffered and the miserable disgrace of his persecutors. His disciple, William Bates, who had stood at his master's side during his trial, preached his funeral sermon.

These degrading exhibitions of the Lord Chief Justice gave real pleasure to his royal master. Some of James's admirers sought in later years to blame the Judge for cruelties and injustices that the King did not desire. Jeffreys, however, was too skilled a time-server not to know exactly what his master's taste for tyranny demanded. It was these brave shows of bullying defenceless prisoners

that made Jeffreys the ideal Chief in the campaign of vengeance in the West that James was preparing, and it was the thoroughness with which he breathed hatred and destruction against all pestilent, dissenting rebels that gained him the royal thank-offering of the Great Seal.

BOOK II

REAPING THE WHIRLWIND

Chapter XI: *The Landing of Monmouth*

It was Tom Paine who used to say that Nature clearly disapproved of the hereditary right in kings, otherwise she would not so frequently turn it into ridicule by giving mankind an ass in place of a lion. And maybe he was thinking, when he uttered this revolutionary sentiment, of His Majesty James II. For, if ever we were governed by a royal ass in the hereditary raiment of the lion, it was during those few fateful years that led up to the revolution of 1688.

For regal stupidity and obstinacy combined, it would be difficult to find the equal of James. His brother Charles had at times more or less clear visions of what kind of muddle James would make of his job. Had his son Monmouth been a man of stability and sense, Charles would have done well to have secured a Protestant succession by making him his heir, a course that at one time seemed probable enough and would certainly have been popular.

Four years before the death of Charles he had seriously considered excluding his brother from the throne. But afterwards he had banished his son, taken his brother into favour again, and died an honorary member of the Church of which James was a working and devoted servant. One would have thought that the national outburst over the Popish Plot would have convinced James, as it seems to have convinced many thoughtful Catholics, that the English people had rejected allegiance to Popery once and for all. James was a man who could repeat and believe in a creed he was taught; but he could not arrive at a course of con-

duct by thought and reason. As a King he was from the first a puppet in the hands of Jesuit advisers who were by no means the wisest of their school. If Edward Coleman had survived he might have guided his master with greater skill. The excuse that the wire-pullers put forward for their failure seems to have been that their master was such a strong-minded, obstinate ass, that once they had set his nose towards the precipice no human power could hinder him from walking over the edge of it, taking the papist apple-cart with him. There is some historical truth in this, of course, but the drivers of the animal must share the blame with their obedient but headstrong steed.

To shrewd political observers it seemed clear that there would have to be another struggle for mastery between Papists and Protestants. James had reached the throne in February 1685 with no opposition. He at once publicly asserted his religious independence. The celebration of Mass was still illegal, but the King can do no wrong, and the Sunday after his accession he attended Mass in State.

His monarchist friends applauded his honesty and openness, and had his activities stopped at personal devotion things might have gone peaceably for a while. But the smaller citizens had not forgotten that the abolition of the pestilent heresy of their own religion was the real objective of James, his Jesuit advisers, and his ally the King of France.

His first and only Parliament, with an obsequious majority of Tory loyalists, met in May. James seemed under the impression that these royalist churchmen were ready to come over to Rome at his bidding, but here he was wholly out of his reckoning. The churchmen might have tolerated and respected his private worship, but as soon as they found that the King was surrounding himself with Popish advisers and filling the army with Popish officers, they became seriously uneasy. Many sober citizens, well affected to monarchy and desirous of seeing in James a man of prudence and good faith, loyal in letter and spirit

to the national religion, were irritated into anxiety by the open insolence of the adherents of the Popish party. When the King of France began his cruel persecution of his Protestant subjects, even a loyal old-fashioned Tory like Sir John Reresby, M.P. for York, " began to be of opinion that everything just and lawful ought to be done to obviate the growth and abate the present pride of the Papists in our dominions."

But for the moment James was undoubtedly a popular figure in the world. His people were ready to receive him as a sailor king, always an asset in the English political world, and his Parliament really believed in his honesty of purpose. When he came down to the House he assured them he had " a true English heart," when he met the Privy Council he promised " to preserve the government both in Church and State, as it is now by law established," and he solemnly declared to his people that he would " go as far as any man in preserving the nation in all its just rights and liberties."

One would not, of course, compare in immorality the perjurious statements of kings and rulers with the lies of witnesses in a cause or action. The former only affect such vague entities as society, religion and the evolution of mankind, whilst the latter are injurious to an individual human being. But, indeed, all perjuriousness—excepting perhaps that of lovers—is, humanly speaking, undesirable.

And whilst this royal liar was declaring these noble sentiments to his parliamentary dupes, he was chatting behind the scenes with M. Barillon, the French ambassador, and fawning upon him for French money, that he might be independent of Parliament and carry out political and religious plans which were entirely opposed to his public promises.

He assured Barillon that " he had been nurtured in France, that he had eaten King Louis' bread, and that his heart was French." He took him into his private cabinet and discussed with him measures to place the army

under the dominion of Roman Catholic officers, and told him what he had already done in Ireland and Scotland, and authorized him to promise the King of France that he would do his utmost "to establish the Catholic religion" in his dominions.

What a scene for history written in the Comic Spirit of drama. James is "discovered" in secret conclave with the French King's busy attorney. The door is closed, the curtains drawn, and the ambassador whispers the joyful news that he has 500,000 livres to hand over as the price of the English King's honour. James breaks down and tears of gratitude fill his eyes, "de voir une si prompte et si solide marque de l'amitié" of his foreign master. Rochester, Sunderland and Godolphin are sent for to pouch the gold and draw up secret terms of vassalage to France. Meanwhile, out in the streets and in taverns and beer-houses the citizens are "heard off" cheering and drinking the health of their new sailor king, the man with the "true English heart."

And while London, after her ancient manner, is enjoying the revels of a coronation, the meeting of Parliament, the King's Speech, and those great shows which never fall to the share of the poor provincial, history is in the making in an out-of-the-way borough of Dorset.

At 4 a.m. on Saturday, June 13th, two horsemen rode into London from Lyme Regis carrying a letter from the Mayor with the news that Monmouth had landed there two days before. Their names were Dassell and Thorold. They had ridden out to Honiton on Thursday evening with Mr Gregory Alford, the loyalist Mayor. Here, at midnight, the Mayor had written his report to the King, and having handed it to his messengers hurried off to Exeter to rouse the Duke of Albemarle, the Lord Lieutenant of Devon, to call out the militia.

Their road ran through Yeovil, Sherborne and Shaftesbury to Salisbury, then up across the rolling downs to

Stockbridge and Basingstoke, turning off at the Golden Farmer for Windsor, and so across the river at Staines to Hounslow and Kensington. One hundred and fifty-two miles in twenty-eight hours from just after midnight to four next morning. No mean performance in those days.

The men rode straight to the town house of Sir Winston Churchill, their neighbour, who was then Member for Lyme. He sent for his soldier son, Colonel Lord Churchill, who had been made a peer in 1682, and he carried them to Whitehall. The King was at once aroused, a Council called, and the men presented the Mayor's letter. They were examined on oath as to what had happened, and received from the King a reward of £20 apiece.

The news was not altogether unexpected. Indeed, the King had hoped to have heard something of the expedition before this, and to have received the news from his fleet who were cruising about the Channel looking for Monmouth's argosy. But it was Dassell and Thorold who brought the ill news from Lyme to London, and that Saturday morning stood at the bar of the House of Commons and told their story to the members.

Monmouth had been in banishment in Holland at the time of his father's death with his beautiful and beloved mistress, Henrietta Wentworth. The Earl of Argyle, who had already determined upon an expedition to Scotland, came to Holland in April to secure Monmouth's support. The Duke had received letters of encouragement from the West of England, Lady Wentworth was enthusiastic for the attempt and pawned her jewels to supply her lover with funds. The Prince of Orange, wishing to keep well with James, had given the exiles notice to quit his territory. The English refugees who surrounded the Duke were all for the mission, and either agreed to go with him or subscribed what they could to his meagre funds. Even the great Locke, then in exile, is said to have given £400.

Argyle's expedition started for Scotland on May 2nd.

Monmouth had promised to sail in six days, but he did not get away until Sunday, May 24th. The three ships he had hired were in the Texel, and he and his friends joined them with a party of about seventy or eighty men. He brought with him four field guns, 1600 cuirasses, 1500 swords, pikes and muskets, some carbines and pistols, and 200 barrels of powder.

He had hired a 32-gun frigate for £5500 in which he sailed with his friends, and they were attended by a smaller vessel which was said to be about 200 tons, and a dogger, a one-masted boat of something less.

Monmouth's correspondents had assured him that on his appearance in England he would be joined by the Protestant noblemen and landowners with armed retainers. Unless such an expedition as his was joined by men and munitions in England it seemed impossible that it could come to anything but disaster. Yet such was the enthusiasm of the common people, and the crass stupidity of the competent military authorities of the Crown, that General Viscount Wolseley gives it as his expert opinion, that if Monmouth had not been one of those cut-and-dried old-fashioned officers, who have no knowledge of the military value of untrained troops in the hands of capable commanders, he might have made good. If he had gained a victory it would probably have brought him immediate support from those lookers-on in the southern counties who preferred at present to wait and see.

Wolseley's verdict is very interesting. He says that, to officers of Monmouth's class, "it was, and still is, heresy to hold that a man can be capable of doing a soldier's work, unless he is dressed like a cockatoo and drilled to stand like a ramrod with his nose in the air. Monmouth was not the man to lead a desperate enterprise in which success depended upon the rapid conversion into soldiers of dull West country peasants."

Although Wolseley does not say so in so many words,

yet I gather from his vivid and entrancing account of Lord Churchill's campaign against Monmouth, that at the back of his mind there is the idea that if his hero had been in Monmouth's place, and Wolseley himself had been his adjutant, they would have led the West country men to victory and defeated Louis Duras and the forces of the Crown.

But Monmouth had no such lieutenants, and his own experiences of war had been with big battalions of disciplined troops. The only officer of any note who came with him was Forde, Lord Grey of Werke, a coward in action and a traitor in defeat. Robert Ferguson, known as Ferguson the Plotter, was the Duke's minister. He was the author of the flaming proclamation in which Monmouth announced that he claimed the throne and charged his uncle with the burning of London, the murder of Godfrey, the assassination of Essex, and the poisoning of his brother Charles. That Monmouth should have lent his name to this declaration, which was published at Lyme, showed how easily he was led into reckless courses by men of stronger will than himself. Dryden rightly termed Ferguson the Judas of his party. He had been chaplain to Shaftesbury, was deep in the Whig secrets, and was now the moving spirit of the rebellion and a violent Protestant partisan; but he lived on to become an ardent Jacobite and was mixed up in their plots on the continent in his later years.

At daybreak on June 11th, Monmouth's three vessels were beating to windward, against a northerly wind, three leagues from shore off Lyme. A ten-oared boat from the frigate had landed three gentlemen at Seatown, a creek below Chideock. These were Mr Dare, the Duke's paymaster, Mr Chamberlain and Colonel Venner.

There were a few fishermen on the shore who came down the beach to the boat. The gentlemen greeted them pleasantly, and offered them a share of their lunch of neat's tongues and some bottles of canary and asked them the news. The men had heard somewhat of a rising in Scotland,

and Colonel Venner told them there was a rebellion in Ireland, and would soon be one in England. The fishermen shook their heads, and devoutly hoped the news was not true, at which the gentlemen laughed, and talked together in a foreign tongue.

The largest vessel was now signalling for the return of the boat, and Colonel Venner jumped in, leaving Dare and Chamberlain on shore. These two obtained horses and rode away inland. They first visited White Lackington, the seat of George Speke, who was to spread the good news of the Duke's landing through Dorset and Somerset, and among the friends in London.

A few hours afterwards a custom-house surveyor came down to the creek, and was chaffed by the fishermen on missing a booty of canary. When he heard the talk of the strangers about rebellion, he rode post haste to the Mayor of Lyme to bring him the news, arriving there about ten o'clock.

Meanwhile, Mr Tye, the Lyme surveyor, had visited the strange ships and been courteously received by the Duke, but not allowed to return to Lyme. A poor fisherman out of Charmouth, named Samuel Robins, went to sell fish to the strangers. He too was detained on board to give information to the Duke. For this he was afterwards executed at Dorchester.

The Mayor and Corporation having heard the Chideock surveyor's story, sent the news to the county justices and adjourned to dinner. Thursday was the weekly meeting of the bowling club, and many congregated there to dine and play bowls afterwards. There was some chaff about the absent Mr Tye, who had not returned from the strange vessels, and the general opinion was that the hospitality of the skippers, coupled with an offshore wind, had disposed him to stay in comfortable quarters.

The vessels were Dutch or French built, and up to now, as they fired no guns and showed no colours, it was not

thought they would land at Lyme. But at five o'clock the post came in and it was rumoured through the little town that the Mayor had official news that three vessels had sailed from Holland with the Duke of Monmouth and his friends.

Those who know the little town with its steep street leading down to the sands, and the ancient Cobb and harbour sheltered from the West, and the old church on the eastern cliffs, can picture the puzzled inhabitants gazing anxiously at the strange vessels from points of vantage on the surrounding hills. The Mayor and his friends went on to the look-out on the Church Cliffs. This has long ago fallen into the sea. Indeed, much of the graveyard is now threatened by the waves. It became clear that the vessels were creeping inshore and making for the Cobb. Mr Dassell, Captain Floyer and other prominent citizens, in sound English fashion, "retired to a tavern to consider what course should be taken." They then went to the Mayor to request that a gun might be fired off. The Mayor thought this very reasonable, but as there was no powder and shot, this statesmanlike suggestion could not be carried out.

It was now a quarter after eight at night, and they went on to the Church Cliffs. The vessels were much nearer inland and four boats full of armed men were making for the shore. The loyal and energetic Dassell found a friendly merchant, got from him a permit to use four barrels of powder lying to his order in a ship in the harbour, and ran off across the sands towards the Cobb. Several seamen joined him. He waded up to his middle, as the Cobb at that time was separated from the shore at high tide, and got into a little boat lying at anchor and rowed to the ship. The skipper delivered him three barrels of powder, but kept one for self-defence.

There were now seven boats full of armed men landing on the west side of the Cobb. Dassell would have had the skipper of the vessel in the harbour fire his guns at them, but this the sensible fellow refused to do, so Dassell and a

boy rowed back with the three barrels of powder across the little bay to the Cobb Gate at the bottom of the main street.

Meanwhile, the Duke of Monmouth, with eighty-three companions, landed on the west shore upon the beach. When all the boats were empty the Duke called his men round him and fell on his knees on the beach. They all followed his example, and he uttered a short prayer of thanksgiving to which they murmured Amen. Drawing his sword he led his men up the stile path along the cliffs into Broad Street and so to the market-place. The Duke was dressed in purple with a star on his breast, and was armed only with his sword. Lord Grey, who walked by his side, carried a musket and pistols in his belt.

As they marched along the cliff walk the townsmen came out and followed them, shouting—"a Monmouth! a Monmouth!—the Protestant Religion!" and similar cries. In the midst of a small crowd the Duke's flag was raised, the Declaration was read, or so much of it as was necessary, and printed copies were posted up and handed to the faithful to pass from hand to hand. Such actions meant death to those who so cheerfully accepted the honourable task of spreading the good news that a champion of liberty and a liberator of the oppressed had landed on English shores.

There was both fear and enthusiasm in the little town. Old folk stayed indoors and came out at night to bury their treasures in their gardens. Younger men, and all the dissenters who had not been scattered abroad or interned at home, joined the colours. Eighty men were enlisted and armed the first night. Major Nathaniel Wade set to work to unload the arms and ammunition and get the cannon on shore, readily assisted by volunteers from the town.

While this was going on Dassell and Thorold and the Mayor had slipped away and ridden through Uplyme and Yawl Bottom, across Symonds Down to Axminster, and on to Honiton, and the news of Monmouth's landing was speeding on its way to London. Meanwhile, the Duke

made his headquarters at the George Inn, which was then the chief hostelry of Lyme. It was unfortunately destroyed in a fire of 1844. Hundreds of recruits flocked into the little town before daybreak and enrolled themselves as soldiers of the Duke, and at the close of the first day his forces amounted to 1000 foot and 150 horse. But it was very noticeable that the men of land and substance did not come in. Many suspected friends were arrested and imprisoned, others fled the country, but the gentry held aloof and there was no rising in London. It was a spontaneous rebellion of earnest and youthful friends of liberty and justice. Headed by a Cromwell or a Napoleon it would have swept the country clear of the Stuarts, the Jesuits, and their hangers-on among the lawyers and the bureaucrats, whose cruelty and dishonesty were past human patience. But to fight ogres and dragons and the Evil One you want a real hero. The tinsel synthetic variety crumples readily before the disciplined troops of tyranny. Patriotism and enthusiasm, however noble and unselfish, are useless without leadership. Then, as now, the best hope is in patience and time, for history assures us that misgovernment has in itself the seeds of destruction.

However, the die was cast, issue was joined, and there was no "giving back-word," as they say in the north. The King ordered all the troops that could be spared from London to march forthwith to Salisbury. Posts were sent to every county to call out the militia. Lord Churchill was made Brigadier, and shortly afterwards Major-General, over the whole force, with Colonel Kirke and Colonel Charles Trelawney as his seconds in command. Had the business been left in Churchill's capable hands it would have soon been over, and probably much bloodshed spared. But it is a tradition of government that in all the departments the head of affairs must be, to use Rudyard Kipling's adjective, "'eavy-sterned" rather than alert, ornamental rather than intellectual, and, if possible, of aristocratic descent.

When James gave Churchill, his friend and former page-in-waiting, the Western command, he naturally did not tell him what his further intentions were. It happened that the King, as a youngster in France, had been taken by the great Turenne on several military expeditions; and now Louis Duras, a son of the Marquis de Blanquefort, who had married Turenne's sister, was at James's Court. He had naturalized as an Englishman in 1665, and was created Earl of Feversham soon afterwards. He was a man of forty-five, whilst Churchill was but thirty-five, he was "slow and infirm of purpose," whereas Churchill was a West of England man who knew the county and its people. This foreigner James appointed to the command of his forces. Like many French nobles he regarded the peasantry as cattle. He was not a *persona grata* to the officers of his command, owing to his exceptional indolence, due, it is said, to his habit of over-eating. But he was a man of affable and polished manners, and, in those days—as indeed in more recent years—in choosing a "competent military authority" Duras's qualities were those which would ensure his being placed in command over a soldier with the claims of Lord Churchill.

Viscount Wolseley says it was "not a happy move for James, and no man who understood war would have made it." Public appointments are rarely made by people who understand the business to be dealt with. However, for the first few weeks Churchill had his own way, and was able to hang upon Monmouth's flank and keep in touch with the rebels, whilst he waited for the troops and the artillery and supplies from London to arrive in sufficient force for him to make an attack. Little could be done for the present. The people were rushing across Somerset, Devon and Dorset to join Monmouth. The militia, though called up, were ready to desert to the other side, and Albemarle had asked Churchill to send him regular troops to protect Exeter. It was while Churchill was making his plans to

meet all these troubles and sending reports of his movements and doings to Sunderland, full of delight at finding himself for the first time in his life a general in command, that on June 20th he received a letter from the minister announcing that Lord Feversham had superseded him as Lieutenant-General, and he was in future to make all reports to him.

Had Monmouth known what use to make of it, here was a move by the enemy of enormous advantage to his rebel army.

Chapter XII : *Somerset Marches*

By Saturday, June the 13th, the ships were unloaded, the arms and ammunition were landed and hundreds of miners, weavers, quarrymen and labourers had come in to the little town of Lyme. Three regiments, the Blue, Yellow and White were formed, and each day brought new recruits. Mr Dare, who had landed at Seatown, returned from his inland expedition with forty horse and news that the Somerset Militia held Taunton and hindered a rising there. Taunton was Dare's native town, and he returned to camp riding a fine horse, the gift of one of his friends, possibly Mr Prideaux of Ford Abbey.

That evening the Duke had planned a sally on Bridport, and given the joint command of it to Lord Grey and Fletcher of Saltoun. The latter was a soldier who had seen foreign service, and probably the best officer in Monmouth's army. He had noted Mr Dare's splendid charger, and he considered as a superior officer that he had a right to commandeer it for his own use. Dare, who was a common, rough fellow, did not understand military etiquette, and told his superior officer what he thought of him in plain Dorset. Fletcher listened to this with contempt, but when the angry fellow raised a cane to strike him, he took a pistol from his belt and shot him dead.

Dare's son had come in with the new levies, and rushed to Monmouth with a demand for the punishment of his father's assassin. It was a terrible event to have happened on the threshold of such an expedition. Monmouth might have pardoned Fletcher and retained a good officer, but had he done so the Somerset men would have gone back to their homes. For " Old Dare," as the men of the West called him

in affectionate respect, was a popular leader of the faction in Taunton and the neighbourhood. He was a great loss to Monmouth, and the tragedy of his death threw a gloom over the little camp.

Fletcher had to be put under arrest and, to save him from the vengeance of Dare's son and his following, Monmouth sent him on board the frigate which soon afterwards set sail. Monmouth informed his army that he had ordered his ship to meet him at Bristol, where a court-martial should be held on Fletcher. This seemed a just and reasonable course to take, and poor Dare was buried and the soldiers returned to their duties.

Had they known that the frigate was merely hired by Monmouth and that its papers were made out for Bilbao, to which port she sailed after leaving Lyme, and that the Bristol story was a piece of Stuart diplomacy to keep the Somerset men in good heart, the rebellion would probably have ended where it began. But Monmouth lied so bravely and with such circumstance that they were bound to believe him. He sent for a local pilot named John Kerridge who knew the Devonshire and Cornish coast, and persuaded him to sail with the frigate and take her to Bristol. Poor Kerridge was carried off to Bilbao. Here he was arrested and sent to England as a traitor, and narrowly escaped execution, but in the end was pardoned and returned to his home.

These incidents on the Saturday did not hinder the busy preparations that were going forward for a night attack on Bridport, where the Somerset militia were stationed. Lord Grey and Colonel Venner were in command of this expedition. Grey had forty horse under his own command and 400 foot under Colonel Wade and Captain Goodenough. They set off across the hills down to Chideock and on to Allington, just outside Bridport, covering the distance of ten miles in the night. When the vanguard of forty musqueteers under Lieutenant Mitchell reached the bridge at Allington early on Sunday morning the town was

enveloped in a thick mist. The bridge was only guarded by a few outposts who fled at a volley from the Duke's vanguard. The main guard then retired to the militia camp which was on the eastern side of Bridport. The town, as by a miracle, had fallen into the hands of the rebels, and the militia went out of it at the eastern gate leaving their horses cantering about in the streets.

The distance through the town to the eastern bridge is over half a mile, and Colonel Venner advanced towards the enemy, sending word to Lord Grey to bring up his horse in support. There was some firing from the windows of the Bull Inn, where the militia officers had their mess, and the doors were broken open and several lives lost in the attack, Colonel Venner being wounded by being shot in the belly.

However, they pressed on to the Dorchester end of the town, where the militia officers had persuaded their men to make a stand at the bridge. Monmouth's foot fired a volley which the militia returned and killed two men. At this Lord Grey and his cavalry turned tail and bolted through the city and never drew rein until they reached Lyme, where they reported that Colonel Wade was defeated and their little army was destroyed.

Colonel Venner, badly wounded, was now in command, and would not make any further attack on the eastern bridge and ordered a retreat. He then mounted his horse and followed Lord Grey. Wade, however, was made of better stuff. He drew off his forces to the western bridge and, having set an ambush of musqueteers, awaited the militia attack. They, however, only reoccupied the centre of the town, and contented themselves with shouting challenges to Monmouth's men out of range, who shouted back defiance from their station on the bridge.

In this absurd way the Battle of Bridport fizzled out. Colonel Wade drew off his men in good order, taking with him a dozen prisoners and some thirty horses. The Duke and his horse who, on Grey's arrival, had ridden out to

cover his retreat, met Wade on the hills above Charmouth and was surprised to see that his men were marching in good order. He inquired whether Grey had run away, and Wade told him it was so. Later on he consulted Colonel Matthews what he ought to do about Lord Grey and received the reply, "that there was not a general in Europe that would have asked such a question but himself." Nothing, however, was done; Grey retained his command and Wade took the place of Venner who was wounded.

That these disasters must have affected Monmouth's spirit is obvious, but the frigate had already sailed, there was no retreat, and the rank and file were full of hope, being thoroughly satisfied that when they reached Bristol they would not only find Monmouth's ship at anchor in the King's Road in Bristol Channel, but that the city would welcome them, the men of Gloucester, Wales and Cheshire would join them, and the Protestant cause would prevail. Indeed, even now had Monmouth marched rapidly to Bristol with his available forces and munitions, he might have succeeded in his mission.

But the campaign was not conducted with any energy or military skill. It drifted along and resolved itself into a series of useless and purposeless marches through the county of Somerset, every day that passed giving time to the King's forces to gather strength and take up favourable positions to ensure a final victory.

It seems a shame that such an ardent body of men, ready to sacrifice their lives for a cause, should have been led by such a pinchbeck general, but the history of warfare, in the absence of some general of genius, seems generally to resolve itself into a series of accidents arising out of and in the course of the incompetence and inefficiency of the higher commands. Certainly it was so in the Monmouth rebellion. Moreover, the initial disasters that I have narrated did not seem to damp the spirits of the rank and file, since many of them, of course, only joined the army after they had happened.

Those who had remained in Lyme had spent the Sunday preparing to march towards Bristol, which was their promised land, and on Monday the Duke moved inland to Axminster at the head of 3000 men who wore green boughs in their hats and cheered for Monmouth and the Protestant religion.

It is very interesting to follow on modern roads the actual movements of Monmouth, and it is best when possible to do it afoot. The Duke went over the high ground above what is now Hunter's Lodge, and here, as I think, his outposts must have pushed westward as far as Trinity Hill if, as it is said, they caught a sight of the Devonshire militia moving towards Axminster. Very probably they reached the old beacon which stands nearly 700 feet above the sea, and on a fair day commands a noble view of the Axe valley. But that Monmouth could also and at the same time have seen, as is alleged, " the Somersetshire militia hastening to form a junction with the Devon men," seems improbable. Yet this was happening and he may have had word of it, and had he struck a blow here it would have been a good day's work. For both the regiments fell back before the rebels and vacated Axminster and let Monmouth's troops enter the town. The truth was that the men of the militia were ready to desert to the enemy if their general had shown fight and gained a success.

For Lord Churchill, writing to James at this date, says that " unless speedy course be taken we are like to lose this county to the rebels ; for we have those two regiments run away a second time . . . and there is not any relying on those regiments that are left unless we had some of your Majesty's standing forces to lead them on and encourage them."

Monmouth, from first to last, never grasped the need of a speedy attack. He wrote a letter to Churchill, however, calling upon him to help him. They had been comrades in Flanders, but Churchill dismissed his trumpeter with a

message that "he knew no other King but James," and forwarded Monmouth's letter to London.

The two militia regiments having disappeared, Monmouth reinforced Axminster, crossed the river Axe, and Colonel Wade followed Albemarle's retreating troops as far as Shute Hill, on the way to Honiton. Here again there was a real chance of Wade destroying Albemarle's command had he been supported. Monmouth, however, sent him word to rejoin the main body which was already moving north towards Chard. They encamped somewhere near Membury Downs, and on the next day they marched from Chard to Ilminster, and on Thursday, June 18th, entered the "very factious town of Taunton," which was no longer protected by any force of militia.

Monmouth had now been over a fortnight in the country and should, of course, have been well on his way to Bristol, which he could easily have reached before Feversham arrived there on June 23rd. Had he remembered Cromwell's words, "Not only strike while the iron is hot, but make it hot by striking," he might have established himself in Bristol and been joined by friends in the north who were soon to be cut off from him, and so were never able to give him assistance. He had had good cards in his hand and lucky moments, but he played his cards badly and neglected every opportunity that fortune offered him.

Even now, if he had pressed on through Taunton he might have been in time, but here he must needs waste valuable days and hours in shows and rejoicing that brought upon that unfortunate town a terrible revenge.

For during all this time the Government in London had not been idle, and Parliament had eagerly assisted the King in measures for defence of the realm. They had ordered Monmouth's Declaration to be burnt and passed a Bill for the attainder of the Duke, and resolved to address His Majesty, asking him to offer a reward of £5000 to anyone who "shall bring in James, Duke of Monmouth, dead or

alive"; and James and Sunderland were pushing forward military measures with all speed. There was and could be no movement in London of sympathy with the rebellion. The city was in the grip of the King's party, and Monmouth should have understood this and hastened away from Taunton to reach Bristol before the King's troops arrived there.

Taunton was an important manufacturing town, and in those days serges were made there. The traders and their workmen were mostly dissenters. In the Civil War these men had held the town against Young and 10,000 Royalists. For this the walls of the town had been razed to the ground. Even worse than that, from the inhabitants' point of view, their conventicles had been burned and their ministers scattered. When the militia wearied of their task and walked out of the town and Monmouth's army advanced from Ilminster to take their place, the townspeople went wild with delight. Here for the first time substantial men of business gave Monmouth public support, and opened their houses to his officers and their men, and supplied them with food and drink. "The people's wits were flown away in the flights of their joy." The doors and windows of the houses were decorated in his honour with green boughs, everyone placed a sprig in his hat, the children strewed flowers in his path, their elders wept tears of joy at the sight of their deliverer. This beautiful youth with his throng of soldiers came to this simple people as if in answer to prayers and supplications secretly uttered during long years of persecution. What wonder that they mistook him for a real deliverer, and saw in him their buckler and the horn of their salvation, and their high tower of defence that they had waited for so long. It should have been easy to pardon these dupes when the battle had gone against them.

On the Friday twenty-six young ladies of Miss Musgrave's school, who had worked the Duke a banner, presented it to him in state. Miss Sarah Blake was the leader of the girls and is described as the "captain of the virgins."

Introduced by Colonel Bovet, they arrived at the house of Captain Hucker where his Grace was lodging. The Duke came out to receive the children and " saluted each, and Lord Grey did the same." Miss Blake, with a naked sword in one hand and a Bible in the other, advanced and spoke her piece trippingly. The Duke accepted these gifts with deep devotion and assured his young friends that " he came now into the field with a design to defend the truths contained in that book, and to seal it with his blood if there should be occasion for it." He sprang upon his horse, and the children following him waving their colours, he went forward into the town amidst the cheers of the delighted citizens.

But while time was being wasted in these histrionic displays, his enemies were not far away. Albemarle and his unstable militia had reformed themselves and camped at Wellington, seven miles west of Taunton. Churchill and his horse were hovering about near Chard. They had not a force to attack, but they were watching his every movement. The forces of the King were marching west from London, and a general who knew his business would have been away on the Bristol road long before this.

Meanwhile the gentry did not come in to join the Taunton dissenters. A council was held and the opinion freely expressed that the better-class people were afraid of a republic and were zealous for monarchy, and that James of Monmouth must proclaim himself to be the real James II. without delay. It is said that Monmouth was against this step, but Ferguson and Grey persuaded him to it, so he reluctantly yielded, and on Saturday, June 20th, was proclaimed King of England. A sum was set on his uncle's head and the English Parliament was declared a seditious assembly. The immediate effect of this act was to increase his popularity. The children who made his banner had worked a gold crown on the face of it with the letters J.R., and now their embroidered prophecy had come true and all were well content.

The proclamation was made at the Market Cross in the

morning. Some magistrates were forced to attend in their gowns. Men kissed his hand and the populace shouted, "God bless the King!" After this he was prayed for as King and held royal state and officially "touched for the Evil," which, it is said, he did with as much success as any other monarch that preceded him.

At Taunton the number of his army reached from 4000 to 7000. Colonel Basset, one of Cromwell's veterans, arrived with a regiment he had raised; Colonel Perrot, the Taunton silk dyer, who had been lieutenant to General Harrison, and a comrade of Captain Blood in his attempt on the Crown jewels, followed him; Colonel Dore of Lymington, with 100 men, arrived out of Hampshire; but no territorial magnate, no member of one of the old county families, declared for the cause. A Russell, with 100 yeoman tenantry, would have been worth 1000 of the mob that collected in Taunton and cheered King Monmouth. The regular troops with Churchill nicknamed Monmouth's army "Gaffer Scott and his vagabonds," but had they been better armed and capably led, they might have given a good account of themselves.

It appears that some of Churchill's men had moved out of Chard towards Taunton and met a party of Monmouth's outposts, eighteen in number, in the forest of Ashill. A fight took place in which four were killed, and Lieutenant Moneux of Lord Oxford's regiment lost his life, after which his men retired to Chard. It was but a small affair, but it is said that it determined the new King to move on towards Bristol, and sending his chaplain, Hooke, to London to rouse his friends there, he now marched his army twelve miles further north and camped at Bridgwater.

Here he was enthusiastically received, and was met in state by the Mayor, Mr Popham, and the members of the Corporation, who carried him to the High Cross and proclaimed him King. He was lodged at the Castle, and his army encamped in the Castle field to the east of the town.

His army was probably now at its best in point of numbers. He had, it is said, 6000 foot in six regiments, tolerably well armed and distinguished by their colours. The arms of many of them were, however, only scythes mounted on stakes, specimens of which may be seen in the Castle Museum of Taunton. The cavalry, though a mixed force of horses and ponies from the marshes and the moors, numbered at least 1000. The King was attended by a life-guard of forty young men well armed and well mounted.

Monmouth's idea at first seems to have been to make Bridgwater his headquarters and to drill his raw levies until they would be fit to meet regular troops.

But Churchill's attacks on his outposts seem to have made him nervous of his position, and on Monday he began to move out of Bridgwater. If he had gone direct by Axbridge towards Bristol, he might yet have been received there, but from some obscure motive he marched westwards towards Glastonbury and Wells. He does not seem to have had any very certain objective on this march, and several attacks were made upon his stragglers by the enemy, who were clearly not intending to leave him alone. He appears to have become depressed and reproached himself for having undertaken so rash a task. To add to his dejection and to diminish the enthusiasm of his troops rain came down in torrents, and the wretched men and horses were dragging themselves through mud and flooded ways during the day's march.

Only two regiments reached Wells, which is seven miles beyond Glastonbury. The rest sheltered for the night in that town or in the Abbot's kitchen hard by, or in the ruins of the Abbey. Monmouth appears to have camped at the former place, for he dates a proclamation from "our camp at Glastonbury, June 23rd," and probably he did not himself enter the city of Wells on this occasion, but went right on to Shepton Mallet.

Here the inhabitants took the men into their houses and gave them shelter, and Edward Strode of Downside, a mile and a half out on the old road to Bath, came in and gave Monmouth 100 guineas. He was one of the few county magnates who supported Monmouth. There is the shell of a ruined old house which still stands on the edge of a quarry near the old Bath road, and I was assured that this was the remains of Edward Strode's house, though it seems that this is by no means certain. The Strodes were great people in these days as the monuments in Shepton Mallet Church testify.

As far as one can follow this strange campaign, the rank and file had been given to understand they were marching for London, where they expected to arrive on Saturday, June the 27th, and place King Monmouth on the throne. But this could not really have been in the minds of Monmouth and Grey, and where they thought they were leading their troops to, after they left Bridgwater, is not clear.

But at Shepton Mallet a council of war was held, and then it was determined and made known to the army that the next immediate objective was Bristol, and this was to be attempted under the advice of Colonel Wade, a Bristol man, whose plan was to cross the Avon at Keynsham Bridge and attack Bristol from the Gloucester side.

On Wednesday, the 24th, they turned their faces due north and marched for Keynsham. What Monmouth apparently did not know was that he had made his resolution too late. Feversham had already entered Bristol, had heard that Monmouth was at Shepton Mallet, and was taking steps to intercept him.

Lieutenant-General Lord Feversham left London for the front on Saturday, June 20th, with "150 guards and 60 granadeers." That day he marched from London to Maidenhead. Here he sent off Colonel Oglethorpe and eighty mounted men to get in touch with Monmouth as soon as might be, whilst he moved on more slowly to Newbury.

The day following he got to Chippenham, and at noon on the 23rd he entered Bristol and marched with the Dukes of Beaufort and Somerset, and spent the afternoon seeing the sights of the city. This was that very Tuesday that Monmouth moved out of Bridgwater. Feversham soon received news from Colonel Oglethorpe that Monmouth was at Shepton Mallet, and sending off the Colonel to Norton St Philip with forty fresh horse, he started at 4 a.m. and marched the whole of his small army to Bath. With unusual energy for him he rode in the afternoon towards Frome to see for himself what Oglethorpe had discovered.

At midnight on Wednesday, 24th, news came from Oglethorpe that Monmouth and his army were at Pensford, within six miles of Bristol. Upon this Feversham, leaving his foot soldiers in Bath, rode back with his horse to Bristol, and between four and five in the morning of the 25th all the Bristol forces were drawn up in a meadow at the south gate of the city to await Monmouth's expected attack.

Meanwhile Monmouth's army had, as Oglethorpe's scouts discovered, arrived at Pensford and encamped there. They found that the bridge at Keynsham was broken down, and a party was sent to repair it so that they might cross next morning. It is curious what strange incidents occur to disturb the plans of military commanders. That night, about ten o'clock, the good ship *Mary and Abraham* caught fire at the quay in Bristol, and though some say this was done by Monmouth's friends to lure the militia away from the city, it was probably a pure accident.

There was great confusion in the city. The Duke of Beaufort drew up twenty-one companies of his militia in Redcliffe Mead, and threatened to burn the city down if any move were made to let in the rebels. The fire caused terror and indecision in Monmouth's camp, for the idea got abroad that the Royalists had already begun to fire the city.

Early on the morning of Thurdsay, June 25th, Monmouth marched for Keynsham, where Captain Tyler had

already made good the bridge, and the army crossed to the Gloucestershire side of the Avon in safety. But the weather being bad the proposed night attack on Bristol was postponed, and the troops returned into Keynsham village to quarter for the night.

This village is a long open place and lies south of the Avon on the main road between Bath and Bristol. No sooner were Monmouth's men in quarters than two parties of grenadiers charged into Keynsham. First came Captain Parker with thirty horse and after him Colonel Oglethorpe with twenty-five guards to favour Captain Parker's retreat, for Monmouth's horse had cut them off. Monmouth's cavalry were, of course, very " ragged horse " compared to Oglethorpe's troop, and they lost fifteen slain, though they killed four of the enemy and took three prisoners. It was these prisoners who were locked up in Sir Thomas Bridge's stables and were visited by John Hicks, the nonconformist minister of Keynsham, as we shall read in the trial of Dame Alice Lisle. "This disappointment and alarum broke all their measures and prevented them attacking Bristol or marching into Gloucester." So writes the chronicler in the narrative in the Stopford Sackville papers. The prisoners seem to have told Monmouth that a large army was marching against them from London, and though Colonel Wade pressed for an advance, Grey and Monmouth decided otherwise ; but it was agreed that in the morning they should summon Bath to surrender and take up their quarters there.

So in the dead of night they moved away from Keynsham, taking the south side of the Avon, and in the morning came to Bath, where they sent a trumpeter to call on the city to surrender.

In those days you may picture Bristol and Bath as two walled cities just across the river Avon, the only bridge over the stretch of river between them being that at Keynsham, as it is to-day. Monmouth in the dead of night moved away from Keynsham on the south side of the river.

Feversham and his horse returned along the north side of the river to Bath. So that when Monmouth sent his trumpeter to Bath to demand the surrender of the city, he was received as a traitor and a bullet ended his life.

Finding that Bath was held by Crown forces, Monmouth moved away towards Frome and halted for the night at Norton St Philip, six miles from Bath, and took up his quarters at the George Inn. This little ancient town had a cloth market in the days of Edward I., and later on held two fairs for cloth and cattle. Its wonderful inn, which has been judiciously restored by its present owners, is one of the most interesting old houses in England. It is a large rambling house, and was a grange of the priors of Hinton, and much of its Gothic architecture and mediæval woodwork still exists. The great upper room, used as a wool market, remains much as it was centuries ago. The inn is said to have held a continuous licence since 1397. Here you may see the room which Monmouth occupied, the table at which he supped, and in imagination fill the rooms of the great inn with crowds of officers and soldiers.

There cannot have been much rest for the unhappy Monmouth. News came that night from Frome that the people there had proclaimed him King, and later messengers rode in with the account of Pembroke and his militia entering the town and pulling down the rebel placards.

No one could doubt that the rebel army was in a bad plight. They had marched across Somerset and achieved nothing. Monmouth is reported, probably with truth, to have been greatly depressed by the fear that some of his followers would attempt his life by poison or a bullet that they might claim the reward set upon his head. Some say he had already been shot at.

As I read his story, when he came away from Keynsham Bridge, his chances were practically at an end. If he had only marched on to Bristol even at that late hour he might have succeeded, and at the worst he could have kept his

promise to the maids of Taunton to seal his covenant with his blood, and so died an honourable death. From a military point of view, as Lord Wolseley rightly says, " The capture of Bristol was the last chance upon which Monmouth had any right to calculate, and although Feversham's want of military skill gave him another at Sedgemoor, he certainly did not deserve it. Fortune seldom so favours the unwise, the feeble, or the unenterprising leader."

I cannot help thinking that he lost another chance at what is known in the west as the Philip's Norton Fight. Defoe, who was a young man at that time, is said to have joined Monmouth and to have been present at this fight, and probably left the rebel army after the battle, as many others did, in disgust at the tactics pursued. In his *Tour of Great Britain*, he writes : " I will just mention also that at *Chipping Norton Lane*, near Bath, was a Fight between the Forces of *King James II.* and those of the Duke of Monmouth, in which the latter had the advantage, and if they had pursued it, would have gained a complete victory." Chipping Norton is in Oxfordshire, but that is a mere slip. The fight he is referring to is obviously the Philip's Norton affair.

On Saturday, June 27th, Monmouth intended to move along the road another five miles into Frome, and there shelter his men from the continuous rains, and hold a council as to their next move. Lord Feversham, with whom was Lord Churchill and the Duke of Grafton, now determined on a reconnaissance in force against the rebels. The Duke of Grafton moved out of Bath with Colonel Kirke and 500 musqueteers followed by some foot, cannon and horses, and arrived near Norton St Philip just as the rebels were striking their camp.

This was the first time the Royal troops had taken the offensive, and a battle took place among the fields and hedges in which Monmouth's men fought well and stoutly, and, as Wolseley says, " they certainly had the best of it ;

they only lost eighteen men whilst the loss in the Royal army amounted to eighty." The weather was bad, the ground was very wet, and after much hand-to-hand fighting the artillery on both sides got into operation, and " both plaid upon one another for divers howers in the raine taking some men on both sides."

Feversham was allowed to retreat and to draw off his men into Bradford-on-Avon, where they tended their wounded and recovered from their fatigue. Feversham's excuse for not following up the enemy was the bad weather, but his attack was undoubtedly a failure. The rebels had fought his regular forces to a standstill, and should have followed up their success before the main body of troops arrived from London. Monmouth, however, was anxious to get to Frome, where he expected to meet new recruits and stores. He arrived there at eight on Sunday morning, June 28th, having marched through heavy rain. There were no recruits and the stores had been carried off by the Earl of Pembroke's militia.

At Frome they received the bad news that the rising in Scotland had failed. This disheartened all but the most eager, and many deserted the cause here. So bad was the outlook that the leaders on Sunday night were discussing the possibility of a flight into Holland, but this unmanly course had few supporters, and had it been adopted it is almost certain that their own faction would have risen against them. They therefore decided that, as they could not meet the enemy in the open, they would retire upon Bridgwater. A rumour went round the camp that 10,000 Club men, Protestant to the core, had gathered near Bridgwater and would meet them there and join forces.

Feversham's cavalry seem to have reported that the rebels were moving to Warminster, so he and his men went south to meet them, whilst Monmouth got away by Shepton Mallet to Wells. It was here that the rebels are credited with injuring the Cathedral fabric, and there is some truth

in the story. The Cathedral clergy had taken sides by raising £100 for the government troops. They were, of course, as hated and despised by the nonconformists as the common citizens were by the higher ecclesiastics. That "rebel fanaticks," whose conventicles had been destroyed by churchmen, should wreak their vengeance on the place of worship of their enemies is not unnatural.

The stripping of the lead off the roof of the Cathedral for the making of bullets comes, I am told, under the etiquette of war. The Canons, good sacred men, had fled the city, leaving their wives to guard their homes and the vergers to worship God. That Monmouth's officers should take ransom from the ladies in the Vicar's Close was, I should say, quite irregular. It was the work of that strange secretary, Commissary General Sam Story.

Story was a lucky fellow for, though he fell at last into Jeffreys' hands, he was evidently *persona grata* to the Lord Chief, who saved his life and employed him to blackmail the rich lawyer, Prideaux, from whom the judge got £15,000 as is related hereafter.

But some of the bottom dogs among the rebels behaved like curs, as men often do in war, which is a foul thing at the best. Not only did they shelter themselves and their horses in the sacred building, which may have been a work of necessity, but it is said that they destroyed the furniture and the organ and held a beastly orgy in the sacred place, hoisting a beer barrel on to the Holy Table, which Lord Grey defended from further insult by standing in front of it with drawn sword. Macaulay thinks their actions were exaggerated in the news-letters, and we who have experience of stories of an enemy's doings may well believe it, but there was, I fear, substance in the complaints of the church people about the rebels' misconduct.

Had they found the clergy chanting psalms in the choir they might have behaved better. But apparently the only man on duty was the honest sacrist, James Williams. He

seems to have taken the place of the Dean and Chapter very satisfactorily, and preserved the ornaments and plate of the Cathedral, which had come down to it from Elizabeth and still remain there. The only item lost was a silver verge carried before the Dean, value £4. When the Dean and Chapter returned to their duties they voted their *locum tenens*, James Williams, £10 "for his very honest services," not out of their own pockets, of course, but from ecclesiastical funds. It is only right to remember that Thomas Holt, Chancellor of the Cathedral, remained on duty, held a Chapter on July 29th by himself, and adjourned it for four weeks. No injury was done to the famous bishop's palace.

Now that Lord Feversham was personally in command, and Lord Churchill had to take his orders from his chief, Monmouth was not followed up and harassed as heretofore. This put the rebels in better heart, and they were mightily pleased to capture at Wells a wagon of Kirke's regiment full of arms, munitions and money, and some other carriages of the Royalists, which they took with them to Bridgwater.

And my Lord Churchill, writing from Frome to his wife on June 30th, and telling her as much of what is going on at the front as a discreet second-in-command may safely do, says: "We have had abundance of rain, which has very much tired our soldiers, which I think is ill, because it makes us not press the Duke of Monmouth so much as I think he should be, and that will make me the longer from you, for I suppose until he be routed I shall not have the happiness of being with you, which is most earnestly desired by me."

After resting at Wells, Monmouth and his army retreated to Bridgwater, through Glastonbury, and reached their old quarters on Thursday, July 2nd. News had come in that the men of the marshes had armed themselves with pitchforks, flails and bludgeons, and that 10,000 of them would be awaiting him at Bridgwater. But alas, the reality was very different. A Quaker named Thomas Pheere with

eighty or ninety men, and a white apron for colours, and perhaps 160 club-men with green boughs in their hats, were all the army gathered in the town. Under these circumstances the citizens were by no means enthusiastic about Monmouth's return.

They had proclaimed him King only ten days ago, they had given money, men and munitions, and sent him away with their blessing on his journey to London to take his seat upon the throne. And now their King was returned to them with only a remnant of his forces and the regular troops at his heels, ready if they could to give him battle, to destroy him and his army, and then to take vengeance on the country that had given him support.

Chapter XIII: *The Battle of Sedgemoor*

On Friday, July 3rd, Feversham's troops had arrived at Somerton from Glastonbury, but had not been in touch with the rebels since the battle of Norton St Philip. They camped at Somerton and sent out spies into Bridgwater to see what was going forward. Word came that the rebels were in the town, "had made a barricade on the Bridge, planted two pieces of cannon at the Cross, two in the Castle and one at the South gate." Cavalry were sent to reconnoitre, and on the Sunday morning the rest of the troops took up positions on Sedgemoor.

Lord Wolseley thinks, and it is to be feared that his conclusion is sound, that Monmouth resolved to make a further effort to break away by way of Axbridge, Keynsham and Gloucester that he might reach his friends in Cheshire, having at the back of his mind a possible escape for himself even if he failed to carry his army with him. Lord Churchill, with a general's instinct, told Feversham that he expected some such manœuvre.

The actual orders given to Monmouth's army on Sunday morning disclosed no such plan. The men were moved to the Castle Field on the eastern bank of the river, and they were told that Taunton was their objective. The wagons and guns, however, were placed on the Keynsham road, the news of which gave Churchill the clue to Monmouth's intentions. The wagons would be able to start in the night and move away, followed by the troops, to the north of the Royalist camp, and so get a good start of them.

It seems that this would have been attempted but for the intervention of Mr Godfrey, whose father lived near Sutton Mallet, two miles north-east of Weston Zoyland,

near where Feversham had pitched his camp. He met Monmouth crossing the town bridge on his way to the Castle Field camp, and was able to give him exact information as to the position of the Royal troops, and assured him there were no entrenchments and the men were enjoying their rest and fuddling themselves with Zoyland cider, and that no one was thinking of the possibility of an attack. The two now ascended the tower of Bridgwater Church, from which Monmouth was able with a perspective glass to make out the dispositions of Feversham's troops.

Those who have seen the view to-day from the church tower must remember that at this date the great swamp had only been partially reclaimed, and there were then many great rhines and dikes that no longer exist. The camp with the cavalry was at Weston Zoyland, about thirteen miles E.S.E. of Bridgwater, encompassed by a ditch or rhine called the Bussex Rhine, but in no way entrenched or fortified. There was an outpost guard near Chedzoy of one hundred horse and fifty dragoons, and a smaller guard on the road from Bridgwater to the moor. The idea entered Monmouth's mind that here was a real chance for a night attack.

It is said that Godfrey did not disclose to Monmouth the existence of the Bussex Rhine, and that Monmouth did not observe it with his glasses. That these were fairly powerful seems clear, for he recognized the colours or uniforms of Dumbarton's regiment, now the Royal Scots, and said to his companions as he laid down the glass, "I know these regiments, and they will fight; if I only had them I should not doubt of success." It seems hard to believe, with so much local advice open to them, that his army started on their attack with no knowledge of the Bussex Rhine. But whatever information he possessed, there is no doubt that he and his officers and troops set out in good heart, and according to Bishop Kennett, the Duke went about openly saying, "They would have no more to do than to lock up the stable-doors and seize the

troopers in their beds." The Council readily agreed to his scheme. It was evidently a last hope and not, in fact, a forlorn hope. Godfrey was sent back to Weston Zoyland to make sure there were no entrenchments.

Wolseley says, he returned and told them there were no fortifications, and again omitted all mention of the Bussex Rhine. Owing to the late heavy rains the rhine was deep in water, and even had that not been so, and the obstacle had merely been one of the many deep ditches of the marsh, the crossing of it at night, owing to the muddy bottom and broken banks, would have been a difficult business. I cannot help thinking that the existence of the rhine must have been known to Monmouth and that Godfrey had said that he could lead them to one of the fords or steanings where these waterways were crossed by the local peasantry.

The plan was to move round the village of Chedzoy in the dark, make a wide sweep to the north-east, avoiding Feversham's outposts, and so fall upon the right flank and rear of the enemy. Grey and the cavalry were to fall upon Weston Zoyland village, where the Royalist cavalry were billeted in the rear, and set fire to the village and destroy them in their confusion, whilst the foot attacked the main army in the front.

When it got known in Bridgwater that a battle of some kind had been decided on, there was the greatest enthusiasm among the men, who rejoiced that at last they were to put up a fight for the great cause. The church was crowded when Ferguson made his sermon, choosing as his text Joshua xxii. 22: "The Lord God of gods, the Lord God of gods, he knoweth, and Israel he shall know; if it be in rebellion or if in transgression against the Lord, (save us not this day)." Nor was he the only preacher, for at each corner, as was the old way in Cromwell's army, men and women gathered together to hear inspired calls to duty and promises of divine approval and assistance in their crusade for the holy cause.

Bishop Kennett tells a story in a late edition of his

history, 1719, which he says he heard from a "brave (*sic*) officer of the Blues" to the effect that a fair Royalist maiden of Bridgwater had made her way to the camp to warn them of the attack, but that she was seized by the officers and maltreated. The brave officer told the Bishop that he saw her depart in an agony of distress, but he does not seem to have offered her any assistance. Stories of this kind, twenty years after the event, are scarce worth retailing, and had the girl given any information to an officer some notice would have been taken of it. If the story had been related by Mr Tutchin of the dissenting churches in *The Western Martyrology* it would have been indignantly denied. But the episcopal repetition of the slander has given it an historical flavour. There is, indeed, no evidence that anyone turned traitor or that the Royalist troops had the least notion what was in store for them. Rumours reached Bridgwater, it is true, that the men in camp were drinking and revelling, but whether anything excessive of this kind was being indulged in is very doubtful.

One eye-witness, a soldier in the Royal camp who gives a good account of the battle, says that on Sunday night at eleven o'clock Lord Feversham "rid through our camp visiting the centreys together with the guard and outguards." The Royalist forces are stated to have been 14 troops of horse and dragoons, 700 men in all, and 34 companies of foot, about 2100. The artillery was 16 guns under Mr Shere assisted by "Old Patch," as the men called Dr Mews, the soldier Bishop of Winchester who had accompanied the army from Farnham Castle. There were under 3000 regulars in all and 1500 militia camped in the rear at Middlezoy and Othery. They could not be trusted to fight their county-fellows, and if Monmouth had made a success would probably have joined the rebels at once and killed their officers.

On Monmouth's side there were Lord Grey's horse numbering 600 and five battalions of foot, numbering 3500

men in all ; but many of these were only armed with scythes mounted on poles. Unfortunately, Monmouth had sent off young Hewling, with some of the best of the horses, the day before to Minehead to bring in six guns. In no case, however, could the whole of this force have taken part in the night surprise, and it is said that as many as 1000 scythemen were stationed at the rear near an old boulder known as Langmoor Stone who never came into the fight at all.

At eleven o'clock, at the very hour Feversham was going his last rounds and the Royalist camp was settling to rest, the advance began. It was a moonlight night, the moon having risen shortly after eight. The password given out was "So-ho." Monmouth had a house in Soho Square which was begun in the time of Charles II., and many strange suggestions have been made about the choice of the password. It had really a sporting significance which would appeal to countrymen, for "So-ho" is the traditional call when the finder spots a hare or when a pointer makes a point, and was appropriate to the occasion. Long afterwards, when Somerset children played a mimic fighting game called "King James's men and King Monmouth's men," the cry of the latter was always "So-ho!"

Monmouth's own regiment started from Castle Field. Godfrey was their leader. They were to make a round of some five miles before they would reach Feversham's camp. They left by a route afterwards known as War Lane and went in a north-easterly direction, the men struggling along different tracks and paths until they reached the edge of the moor. At a place called Peasy Farm, near Bawdrip, which still exists, the wagons were parked, but before this a halt had been made to allow Grey and the horse to move past the main body so that he might get away towards Sutton Mallet and fall on the rear of Weston Zoyland. This was a most important part of the plan of campaign. Unfortunately, like most things undertaken by Lord Grey, it came to nothing.

Feversham had sent out Colonel Oglethorpe with a party to scout round the roads between Bridgwater and Bristol and see if there was any movement of Monmouth in that direction; and had not the Colonel gone too far afield, he must have found some signs of the enemy in the neighbourhood of Peasy Farm. But Oglethorpe discovered nothing of Monmouth's movements and sent word to the camp about midnight that all was well, upon which news Feversham retired to bed. Later, Oglethorpe pushed out towards Bridgwater, and sending out a patrol of four men to the gates of the town, they returned with news that Monmouth and his army had left the town by the Bristol road. Oglethorpe hurried back to Weston Zoyland only to find that there was a battle in progress.

Lord Wolseley thinks that he ought to have been "dismissed the army for incompetence and carelessness," but it should be remembered that it was night, the country was strange to him, he had no maps and not a force at his disposal that allowed him to throw out many separate patrols. Wolseley's criticism was, perhaps, intended to exalt his hero Churchill, who made no mistakes, though it is not very clear what part he took in the events preceding the night attack.

When Monmouth's army turned on to the open moor Godfrey was successful in finding for them the steaning or ford over the first ditch near Parchey. Then in an endeavour to find the ford across the Langmoor Rhine, and perhaps owing to a desire to keep well to the east of Chedzoy, where some of the King's horse were stationed, Godfrey was at fault, and they had to cross this obstacle as well as they could. It was successfully overcome, and horse, foot and guns got across in safety. A mist or fog had now come over the marshes, and though it obscured their movements from the enemy it also made orderly progress more difficult.

After crossing the second ditch the army reformed. Some men had lost their way, and a few horses had stuck in the bog, but at one o'clock they had reached a spot within

a mile of Feversham's sleeping camp. A halt was called. The foot re-made their formations and the horse advanced well ahead of them. Solemn silence prevailed in all ranks, and it is said the orders were that anyone making a noise was to be stabbed by his nearest neighbour, since in a mixed crowd such as Monmouth's army the existence of spies among them had to be guarded against.

It must have been an exciting quarter of an hour as the leaders and the horse rode through the rest of the army towards the camp, hoping at any moment to see fire rising from the village and to hear the shouts of Lord Grey's men as they fell upon the rear of the camp. Godfrey had gone with Grey and missed the ford, and it is not at all clear what happened from this point onwards. But it appears that Grey was discovered by a guard of the enemy, who fired his pistol and galloped back to the camp, calling out that the rebels were upon them. Then Grey, instead of riding farther east, crossing the rhine and making an effort to turn the enemy's flank, came back to Monmouth and the main army, utterly abandoning the really hopeful and valuable plan of trying to destroy, or at least confuse and delay, the cavalry who were billeted in the village.

As the alarm sounded the camp was in utter confusion. A fog hung near the ground. The men had to find strange stables, light lanterns and hunt for their saddles and bridles. But Grey failed again as he had at Bridport, and by the time he returned to Monmouth he found the army standing in front of the Bussex Rhine waiting for orders whilst Feversham's troops were aroused and getting ready to defend themselves.

One ought here, perhaps, in justice to the memory of a brave man, to refer to the story told by Ferguson the Plotter, that the alarm was given by Captain Hucker of Grey's horse, who turned traitor and fired the shot that warned the enemy. This seems wholly improbable, as Hucker fought through the whole battle and was with his troop to

the very end, which is more than can be said for his leaders. The story that he pleaded his treachery to Jeffreys *in favorem vitæ* I cannot find confirmed. Indeed, I am not clear that Captain Hucker ever came before Jeffreys or was executed. There was a John Hucker executed on September 30th, 1628, and in a letter written to a friend the same day he says, " I also lie under a reproach of being unfaithful to an interest that I owned which I utterly deny and disown." But this can hardly refer to his being a traitor, and this Hucker seems from his letter to have been more interested in elections and politics than battles, and says nothing about his exploits in the field.

Lord Feversham was in bed at Zoyland, and being roused dressed himself carefully. We may picture him with a candle trying to " set his cravat string at a little paltry looking-glass in one of the cottages " whilst the shouts of the dragoons roused the village. At least, so says Oldmixon, who was a lad in Bridgwater when these things happened and heard all the gossip of the day.

The battle started at some time between one and two of the morning of Monday, July 6th. One of the Duke's officers named Jones made an effort, with a few men, to cross the ford that Lord Grey had missed. Sir Francis Compton was defending this, and though wounded put up a good fight and drove the enemy away.

Grey's party of horse is said to have run into some of their friends in the dark and driven some of their own regiments back towards Langmoor Stone. But even a skilled soldier like Lord Wolseley is hard put to it to piece together the confused narratives of survivors and the official reports of the successful general and his officers. Indeed, in the history of battles it is often difficult to say which of these two sources of information is the most misleading. For though war may be a science it is not an exact science. Once a battle begins no one can really say what happens until, at the end of it, one or other of the combatants runs

away or both parties retreat under the impression that the other side has won. Then the survivors set down their personal memories of what happened in their part of the field, and official scribes make it clear that everything was done that ought to have been done. From these unpromising materials the historian has to divine the truth.

It seems that when Grey's cavalry attack and Jones's plucky effort had both failed, the Duke moved up the infantry to within 80 feet of the rhine and brought up the three little iron field-guns which were his only artillery. These opened fire on the left, doing damage in the camp and killing some of Dumbarton's regiment and the Foot Guards. It was when Grey was trying to reach these detachments by crossing the ditch that he was challenged by their leaders in the dark.

"Who are you for?"

"The King!" cried the rebels.

"What King?" shouted the Royalists in reply.

"Monmouth, and God be with us!" they answered.

"Take this with you then," was the reply, and a volley was poured into their ranks which emptied many saddles and frightened the marsh horses, who stampeded with Grey and the rest. These came flying back helter-skelter across the front of the foot, who were advancing with Monmouth at their head pike in hand. Soon afterwards Captain Littleton crossed the ditch from Zoyland and put Monmouth's artillery out of action. This successful manœuvre is sometimes ascribed to Churchill, but he was actually in command of the foot and was engaged in defending the camp from Monmouth's attacks.

The panic caused by Grey's flying squadron was the real cause of the debacle. For while the foot were firing away their ammunition and calling in agony for more, the baggage men and their ammunition wagons, which were slowly following from Peasy Farm, met the riderless horses and fugitives that had been Grey's horse, and they, too,

returned to the farm and then fled as fast as they could towards Ware and Axbridge, where all the wagons were captured next day.

Monmouth seems to have endeavoured to keep his men from firing as they advanced, but he was not able to do so, and once started at night, the desire to join in and let off the musket in one's hands seems a very human one. It is said that with a pike in his hand the Duke made an effort to lead a last charge of the foot towards the rhine, and though he strove to advance without noise, someone fired off a musket and then they all began firing their ammunition away as they rushed along, intending to swarm across the ditch into the enemy's camp. The effort failed, but led to a lot of confused individual fighting.

Such was the position of affairs at the first sign of dawn, between four and five in the morning. The battle was, indeed, lost and won, but the poor wretches struggling to kill each other in the dark had not yet realized this. Churchill was now in effective command of the trained soldiers, who had recovered from the surprise, but received instructions, no doubt, from his general, who directed affairs from his cottage dressing-room. Grey, who had fled with his horse, seems to have returned at daybreak and found Monmouth but too well aware that the battle was lost. His peasant soldiers were being shot down by the Royal troops and had no ammunition with which to reply. Some were flying, but many groups were making a last stand, giving a good account of themselves with their pikes and staves and scythes. Had Monmouth plunged into the ranks and sought a soldier's death it would have been better for his memory. But long before the fighting was over these two leaders, with about fifty of the Duke's immediate bodyguard, had withdrawn from the field and ridden in flight towards the Polden Hills.

"And so ended," writes Viscount Wolseley, whose story of the affair is beyond praise, "this battle in which well-armed British regulars, led by English gentlemen, slaughtered

JAMES, DUKE OF MONMOUTH

Engraved by William Baillie, from the Painting by Netscher & Wyck.
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a mob of stout English peasants, led by tradesmen and commanded by the illegitimate son of a King. It was the end of a rebellion in which some thousands of good west-country folk were either killed in action or butchered by order of the King with all the apparent formality of the law, or sent to die as slaves in a deadly climate, contrary to the recognized customs of war and to the established right of English freemen."

The actual number of the men killed in the battle is not known and the estimates differ, but Oldmixon says about 300 rebels and 400 of the regular army were slain, but more official figures place the Royalist losses at only 100 or some say 200. That they lost a lot of men from the artillery fire early in the attack seems likely, and their serious losses seem to have enraged their leaders, for Captain Kirke and others slew the fugitives and prisoners with great cruelty and are said to have buried the wounded with the dead in clearing up the battlefield. No less than 500 prisoners were brought into Weston Zoyland church ; 79 of these were wounded, of which 5 died. In this village 22 rebels were hanged on the spot, 4 of them in gemmaces or chains. One of these was Captain Adlam, who was dying from his wounds when carried to the gallows.

Lord Feversham sent Churchill into Bridgwater with 500 cavalry and 500 foot, and there no atrocities seem to have occurred under his command. The general followed, bringing in more wounded rebels in carts, and those who could walk were chained in gangs like slaves. The poor farmers sent in provisions to the army, and barrels of cider marked with their names and the name of their farm. Every village ordered the ringers to ring peals of bells and pretend joyous enthusiasm, but all this went for little as the hearts of the people were broken, and there was scarce a house in that part of the country that was not mourning the dead or fearing the wrath to come. There are many terrible stories of the cruel military slaughter that went on

for days after the battle was over and the rebellion crushed. Some of these tales of Colonel Kirke and his "lambs" and the outrages they committed seem in the main well authenticated. Kirke, like Jeffreys and James II., enjoyed the cruelties of revenge. At his executions he sat at a table drinking a beaker as each of his prisoners was turned off, and then the ritual was for the drums to strike up, since this officer of the King had humorously decreed that he would "give the rebels music to their dancing."

It was no wonder that the name of a beast, whose orgies of cruelty were fouler than anything that had been experienced in England in modern times, became associated with traditional tales and legends of the ancient lust of cruelty that from time immemorial have always been associated with warriors and war. The story that he promised to save the lover of a beautiful woman if she would spend the night with him, and that in the morning he drew the curtain of the window and showed his companion her lover hanging in the courtyard of the inn, though "not proven" against Kirke, is an adventure which was characteristic of his genius for cruelty.

There are many tales of the victors after Sedgemoor offering to spare the life of a prisoner if he would betray a friend, or do some other act, and afterwards going back on their word and murdering the wretch whose life had been promised him. One of the most cruel, perhaps, was the treatment of the young ensign who was offered his life if he would race a wild colt of the marsh. The youth submitted to be stripped, and was then attached by a halter round his neck to a wild young colt who was started off on the moor near Zoyland. The race ended across Chedzoy way, where the two were found exhausted, but the man still lived. So the Royalist sportsmen carried him away and hanged him and threw his body in the big open grave with the rest. Since when, on occasion, his sweetheart, the White Lady of Zoyland, flits across the grave, as many have noted even in recent years.

But a happier story is that of John Swain, an athletic native of Shapwich who, having been taken by Kirke's dragoons, was being carried into Bridgwater followed by his young children and unhappy wife. At Loxley Wood he begged that he might be allowed to show his prowess as a jumper to his children, that they might have one memory of him. The soldiers were willing enough and took off his ropes, when with a hop, skip and jump he was off into a coppice full of pitfalls and swamps from which his dupes failed to recover him, nor was he heard of again until the landing of the Prince of Orange, when he returned once more to his wife and family.

It was, perhaps, the noise these stories made in London, and the protests of good Bishop Ken against these atrocities, that caused the Government to announce a Special Commission of Assize to try the prisoners that were not executed on the spot without even trial by Court Martial. This was ante-dated July 8th, but was not drawn up until quite a fortnight later, for once it was announced, the activities of Colonel Kirke and his "lambs" would be contempt of Court, which, with Jeffreys presiding over the Court, would make the greatest ruffians in the King's service hesitate to continue their massacres.

But it was a cruel age, and it seems that hundreds attended Kirke's executions voluntarily, and many other citizens were ordered to attend them, and all of them, willing or unwilling, went through the farce of drinking the King's health as the drums rattled, the cart drew away, and the bodies dangled in the air.

But this was only a *lever de rideau* to the great masterpiece which James had planned for his west-country subjects, the tragedy of the Bloody Assize.

Chapter XIV: *The Execution of Monmouth*

When the fugitives arrived at Chedzoy the Duke's horse was so weary that he had to obtain another. This was provided by an ancestor of Mr William Stradling, the author of a little book describing in 1839 his house, Chilton Priory, which stands on the brow of the hill some three miles north-east of Chedzoy. From here you may obtain a noble and extensive view of the whole moor.

Mr Stradling says that when the Duke came to one of his farms near Chedzoy, whilst his servant was saddling the horse Monmouth took off his collar and George and presented it to his benefactor. But if, as others say, the George was found upon him when he was captured and sent to London, this cannot have been so. However, he certainly left behind him a lady's girdle which he wore—perhaps a gift of his beloved Henrietta—and a silver buckle. These relics Mr Stradling himself possessed, and he tells us that the local peasantry suffering from King's Evil would come to touch the silver buckle in faith and reverence of their lost King Monmouth.

The Duke had ridden off the field with some fifty attendants, but these he dismissed, or more likely they fled for their own safety. His servant, William Williams, gave him a hundred gold pieces from his purse, and both Monmouth and Grey threw off their armour. Williams was dismissed and four fugitives started off to gain the north side of the Polden Hills. These were the Duke, Lord Grey, a foreign officer named Busse, better known as the Brandenburgher, and Dr Oliver. It seems that their idea at first was to reach the Bristol Channel, and they crossed the Wells road at Crandon Bridge and went away north as far as Wedmore

and so across to the Mendip Hills to pass north of Wells, where they dared not show themselves.

When they had ridden some twenty miles, and were within twelve miles of Bristol, the Duke said he proposed to double back south, make for Shepton Mallet and try to get down to the Isle of Wight, or some Dorsetshire port, and obtain a ship. Dr Oliver did his best to prevail upon him to ride on to Uphill or perhaps Clevedon, and from one of these places to cross the Bristol Channel and get into Wales, where he had many friends. The Duke was inclined to listen to him, but Lord Grey, always his evil genius, laughed the idea to scorn. So the little party broke up, and Dr Oliver parted from the Duke with tears in his eyes and a sad foreboding that they would never meet again.

Oliver's own story is a romantic one with a touch of comedy in it. For he reached Bristol, was hidden and cared for by his friends, one of whom, a good Tory, introduced him to Jeffreys' clerk, of all people, with whom he travelled to London, and afterwards made his way to Holland. He ended a worthy medical career as physician to the Royal Hospital at Bath, and lies buried in the Abbey Church.

The Duke and his two friends went on across the hills to Downside, a mile and a half from Shepton Mallet, on the old Bath road. This was the house of Edward Strode, who, as we have said, had been a supporter of the Duke and given him money. Whether the fugitives were openly received in the house or only hidden in some outhouses seems doubtful. But whatever part Strode played in the escape he was lucky enough to receive the King's pardon for his indiscretion. He was a son of William Strode of Barrington Court, near Ilminster, who had entertained Monmouth on his western progress. No doubt he paid heavily for his pardon, but he lived to be High Sheriff and welcome William of Orange on his journey to London, and died, full of years and honour in his county, at the age of 78, in 1703.

The fugitives cannot have rested many hours at Downside, and early in the morning the three were away again, and are next heard of at some spot between Gillingham and Salisbury, at least twenty miles on their way to their destination, which seems now to have been Lymington, where they hoped to get a boat to take them to Holland.

Here they were in a strange, remote country, and they procured a guide named Richard Hollyday to pilot them through Cranborne Chace. He seems to have taken them across White Street and Winklebury Hill down to Woodyates Inn, which is on the road between Salisbury and Blandford. At this spot, or rather in this neighbourhood, for we may suppose they would not take an innkeeper into their confidence, the three let their horses loose and hid their saddles and bridles. The Duke obtained some shepherd's clothes, and they proceeded with their guide towards the New Forest. When they got to Fordingbridge, Grey and the guide seem to have kept the Dorsetshire side of the Avon, and Busse and Monmouth crossed the river and plunged into the New Forest to hide themselves in the underwood.

It is a little difficult to reconcile the various accounts of the times and places where the fugitives are reported to have been, nor is it likely that they can now be accurately stated. I believe they stayed for a very short time at Downside and pushed on through the night, or at least at the very earliest dawn. For some say that early on Tuesday morning, July 7th, Grey and the guide were arrested near Holt Lodge in Dorset, north of Wimborne Minster. If, as is said, this really happened at seven in the morning, it was within some thirty hours of the rout at Sedgemoor. But Fox, in his *Life of James II.*, declares that Grey was taken on Tuesday evening, which is far more probable.

And by this time there is no doubt that the whole of the countryside was aware of the result of the battle, and alert for the capture of the Duke in hopes of gaining the reward offered for his arrest. Sir William Portman, the

loyal member for Taunton, was with the Somerset militia at Poole, and had a chain of outposts, already stretching from Poole Harbour across to the north of Dorset, to hinder the fugitives gaining any of the little creeks along the Dorsetshire coast. Lord Lumley, the Queen's treasurer, was in command of the Hampshire militia and, stationed near Ringwood, was patrolling the Forest. They seem to have had word that the Duke was making for the Isle of Wight, and when Grey was captured they knew that his leader could not be far away.

Lord Lumley himself acted as master of the man-hunt with sporting energy. He got the first real clue from a woman named Amy Farrant, a cottager in the New Forest, who had seen two men go through a hedge on to the enclosed land. This consisted of allotments of rye, peas and oats, though much of it was still overgrown with tall bracken and thick coppices, good hiding-places for hunted men. As soon as Lumley heard the woman's story he called out all his own men, as well as Sir William Portman's, and surrounded the earth where the men had taken refuge. Then he sent companies of horse and foot into the enclosure to beat the whole tract, encouraging them to their work by promises of sharing the £5000 reward which was offered for the capture of Monmouth.

But the Duke and his solitary companion, Busse the Brandenburgher, managed to evade their pursuers all that day. Burnet says that dogs were used in the man-hunt and set on at Woodyates Inn, and followed his track until they hunted him down in the Forest, but there is no confirmation of this and it is probably a mere legend.

Busse the Brandenburgher was caught at five o'clock on the morning of the 8th, and confessed that he had been with the Duke as late as one o'clock, when they had parted. He is said to have led the pursuers to his leader's hiding-place, and this may have been so. But in any case capture would not have been long delayed. Busse was not punished, and

was a witness in Edinburgh on the attainder of the Duke to prove the fact of the invasion, a proceeding necessary to deprive the Duke's sons of their father's estates.

The glory of finding the wretched quarry belongs to Henry Parkin, militiaman and servant of Samuel Rolles, Esquire. The Duke was discovered tired and spent, lying under an ash tree in a ditch full of brambles and bracken. Parkin happened to spot a brown skirt in which the poor creature was wrapped, and with two of the militia secured him. Several came up, yelling out in savage delight, "Shoot him! Shoot him!" but Sir William Portman, hearing the noise, rode towards the place and himself took possession of the prisoner. The wretched Duke was in the last extremity of hunger and weariness, and could scarcely stand. He had a few raw peas in his pocket, which was the only food he had tasted since he left Downside. His beard had grown, and in his ragged borrowed clothes his captors were not at first sure that they had got the prize they were in pursuit of, but on searching him they found his George, and then they knew that they had earned the reward set on his head. They also found forty pieces of gold upon him, of which Parkin received twenty and the two militiamen ten pieces each. The rest of his gold and his snuff-box were found later on hidden in the enclosure. A tree on the site of his hiding-place is still known as Monmouth's Ash, but it is, of course, only a descendant of the original tree.

Reresby says the Duke had not been in bed for three weeks and had not slept since Saturday, and it seems improbable that he had stayed more than a few hours at Downside. He was in a miserable plight, and when taken before Mr Anthony Etterick, the magistrate at Holt Lodge, that gentleman would not at first believe that the lean, sallow, trembling, unshorn creature put before him was the brilliant young Duke, whose courage and gallant bearing were the constant theme of the young soldiers and courtiers of the day.

The prisoners were kept at Ringwood whilst an express

was sent to London to inform the King of their capture. It seems possible that this messenger carried with him Monmouth's abject letter to his uncle which was written the day of his capture.

In this plea for forgiveness he hints to the King that if he will give him an interview he can do him service by disclosing secret information. There has been much speculation over the phrase used by the Duke, "I hope I may live to shew you how zealous I shall ever be for your service; and could I but say one word in this letter, you would be convinced of it."

This is supposed to refer to Robert Spencer, Earl of Sunderland, James's Secretary of State. No one has ever yet sought to whitewash the memory of Robert Spencer, and when Queen Anne said he was "the subtellest, workinest villain on the face of the earth," she was not using the language of exaggeration. He betrayed everyone who employed him or worked with him, and was readily taken into the service of those that he had opposed who, knowing his mastery of political intrigue, were only too glad to forgive him and welcome him as an ally. He was indeed

> "A second Machiavel who soared above
> The little ties of gratitude and love."

It is more than possible that he had encouraged Monmouth for his own purposes, and had the Duke succeeded he would have joined him. But at present he was of supreme importance to James, and when told that Monmouth meant to disclose his conduct to the King he only laughed and said, "If that be all he can discover to save his life it will do him little good."

Monmouth disclosed nothing, however, and it is said Sunderland promised to get him a pardon if he held his tongue, and then intercepted his last letter to the King to make certain of his execution. All this is so characteristic of this great statesman that it may be true. But James was not likely to run any risks by pardoning his nephew, and

Sunderland was naturally eager to get him out of the way. Monmouth had played and lost, and must pay the stakes, and no disclosures he could make would have had any effect on the mind of James.

While the hunt for Monmouth was proceeding in Hampshire Colonel Oglethorpe was riding post-haste to London, where he arrived on Tuesday, and Whitehall issued an official account of the great victory that very night, and the King knighted the fortunate messenger.

Colonel Oglethorpe gives a graphic account of many things that never happened. He says that 2000 rebels were slaughtered, and modestly relates how he and his horse engaged Grey's cavalry till Lord Oxford came up. He draws a splendid picture of their great commander, Lord Feversham, who is described as being " every where present giving the necessary orders." Of course these fancy pictures may not have been all of Oglethorpe's making, and perhaps the scriveners of Whitehall may have thought a compliment to Feversham would please their royal master.

But after a victory soldiers are generally very satisfied with themselves and each other. The King and the Court were, of course, delighted with the news of the result of the battle and the capture of Monmouth, and Sunderland showed his loyalty to his King by stimulating Colonel Kirke's activities in murdering the defeated rebels and gathering in prisoners for a legal harvest later on of punishment and loot.

Monmouth wrote from Ringwood on the Thursday to his friend the Earl of Rochester, then Lord High Treasurer, to ask for his intercession, but it was all to no purpose. Orders came that the prisoner should be brought to London, and they proceeded by Romsey, Winchester, Farnham and Guildford, and arrived at Vauxhall in the afternoon of Monday, 13th, a week after their defeat. From Vauxhall they were taken in barges to Whitehall on their way to the Tower, where Monmouth was committed " for high treason in levying war against the King."

The greatest precautions were taken on the journey, and the authorities seem to have feared an attempt at a rescue. Colonel William Legge, who rode in the coach with Monmouth, had " orders to stab him if there were any disorders on the road." Great numbers of local militia guarded the towns through which they passed. Lord Lumley and Sir William Portman rode with the cavalcade, and were personally on guard every night until they reached Whitehall.

At Whitehall the Duke and Lord Grey dined at Clifford's lodging. Afterwards, the Duke's arms tied behind him, he was taken to Chiffinch's apartments, where the King saw him in the presence of Sunderland and Middleton.

James has been greatly blamed for this, as it was considered a breach of regal good manners to allow a criminal to see the face of his sovereign unless he was to be pardoned. But in fairness to James it must be remembered that Monmouth desired an interview, and the King had no distaste for viewing the miseries of others, and may have thought that Monmouth would give him some information of State importance. There may have been reasonable grounds for his breach of etiquette. Monmouth seems to have expected a pardon, or at least a reprieve for a time, and he is reported to have humbled himself before the King, kneeling and weeping, and asserting his sorrow and repentance in the most abject terms. But as James had never intended mercy his wretched nephew got nothing by his poor-spirited conduct. James himself seems to have thought that it was a mean show, and in after life noted with disapprobation that the " Duke of Monmouth seemed more concerned and desirous to live and did behave himself not as well as I expected, nor so as one ought to have expected from one who had taken upon him to be king." Much the same might be said of James when he deserted his throne and fled for his life.

A story was current, which Bishop Kennett gave credence to, that Queen Mary Beatrice condescended to be present at this unpleasant scene, and insulted the Duke in his distress,

but I think it is mere hearsay, unsupported by any real authority. Had he never declared himself king, and had he never put his hand to the declaration against James, charging him with poisoning his brother, he might have sued for mercy with some hope of support from the Court, where he had been highly popular in the last reign. But James had a right to ask him "how he could expect a pardon that had used him so, making me a murderer and a poisoner of my dear brother, besides all the other villainies you charge me with in your declaration."

"Ferguson drew it and made me sign it before ever I read it," cried the wretched man, clutching at straws.

But this only angered James, as well it might. "This is trifling," he said. "Would you or anyone sign a paper of such consequence and not read it?" With that he turned from him and bade him prepare to die.

Grey also had an interview with the King. From the first he had taken his arrest philosophically, perhaps preferring the safety of custody to the dangers of war. He was ready to sell his associates and give evidence for the King. It is said he did not ask for his life, made no excuses, and frankly owned himself guilty. But why his lordship's life should have been spared is hard to understand. He had been a party to the Rye House Plot, and but for his influence and advice there might have been no rising in the West. The terms on which he bought his life were degrading and expensive, and he seems to have owed his pardon to the fact that had they executed him his great estate would have gone to his brother, so that it seemed to all the statesmen in the Council well that they should handle a share of his wealth whilst it was in the way.

It is said Sunderland negotiated his pardon for £40,000, of which Rochester had £16,000 and others smaller shares. Further, he had to tell all he knew of the plots against the Crown, and give King's evidence when called upon. All this was done, and he was "restored in honour and blood." It

is difficult for this age to understand how a man of this type could be received again into any decent society. But as in commerce the most abandoned bankrupt will be accepted in financial circles, if he has once again the appearance of wealth and the ear of those in power, so in those days the most abandoned character in the peerage could always hope to be restored to office by means of money, graft and influence. Therefore it is not surprising to find that Grey returned to power again in the reign of William of Orange, and ended a brilliant political career as Lord Privy Seal in 1701.

The two prisoners were now taken back to the barge, and proceeded to the Tower. Though no boats were allowed to come near the flotilla as it proceeded down the river, thousands of people watched the procession from the houses and gardens on the banks. It was Monday night, and the news was already on all men's lips that on Wednesday morning Monmouth was to die. It has been said that in his despair he even offered James that he would accept the Catholic religion, but when some priests were sent to him in the Tower they found that though he would have become a convert at the price of his life he wanted some assurance that the price would be paid.

The unhappy man was indeed in no mood to receive much satisfaction from the rites of religion, nor were the bishops of the Church of England who attended him men of any great human sympathy. Bishops Ken and Turner, who visited him on the Tuesday, were more interested in the doctrine of non-resistance than the state of the young man's soul. Sympathy for his fate was obscured in their Anglican minds, by a fear lest he should miss a great opportunity on the scaffold of owning his sense of sin in having raised his hand against the Government. They found that Monmouth took no fervent interest in serving the Church by advertising the excellence of the doctrine of non-resistance. Nor would he admit that his relations with Henrietta Wentworth were blameworthy. He had been married as a child.

He had lived in a Court where loose amours were the chief entertainment of his father, his uncle and most of his friends and relatives, and now that he had come to die he was not in the humour for a sham repentance, even though two bishops assured him it would be for the welfare of the Church of England. This so much upset the good bishops that they left him without administering the Sacrament. Monmouth thanked them for their courtesy, and promised them he would spend the night in prayer to be enlightened if he were in error. So they parted, and the Duke sent a message asking Dr Tenison, Vicar of St Martin's, to attend him on the scaffold the next morning.

That he wrote many letters to his friends, and one at least to the King, on the Tuesday, begging for pardon, or at least a short reprieve, is undoubted; but whether a very special letter, with details of Sunderland's treachery, was intercepted by that statesman one cannot be certain. There is a story told by Colonel Scott of Harden to one Mr Bowdler, who met the old gentleman in 1734, of how the Colonel had carried such a letter from the Tower to Whitehall, and got as far as the King's closet when Sunderland came out and asked him what he had in his hand. "A letter from the Duke of Monmouth, which I must give to the King himself," says the Captain, as he then was.

"Give it to me," replies the Earl, "I will carry it to him."

"No, my Lord," said honest Captain Scott, "I promised on my honour to the Duke that I would deliver the letter to no man but the King himself."

"But, my good fellow," replied the Earl, "the King is putting on his shirt and you cannot be admitted into the closet; but the door shall stand so far open that you shall see me give it him."

After much parley the Captain gave the Earl of Sunderland the letter, who took it in to the closet, but he never saw it delivered.

In after years, so the Colonel told young Bowdler, he

met King James at St Germain, and the King called him up and asked whether such a thing had happened, and when Scott told him the whole affair in detail the King said, " Colonel Scott, as I am a living man, I never saw that letter, nor did I ever hear of it till within these few days."

Sunderland would not, of course, have hesitated to keep back such a letter from the King, but he was then so necessary to His Majesty that no charge of treachery from a desperate man eager to save his life would have had much effect on James's mind. Such a thing may have happened, but at best it is an old soldier's yarn told to a youngster fifty years after the event. In any case James was resolved that Monmouth should die, and had told him to prepare for death on Wednesday. James had certainly the gift of decision, with the not unusual corollary of obstinacy that prevented him from revoking a command, however reasonable the grounds of appeal.

Now when it was absolutely clear to the unhappy prisoner that no petition or entreaty could possibly prolong his life, Monmouth seems to have behaved with considerable dignity and good sense. He had interviews with his wife and children, and made it clear to Lord Clarendon, who brought the Duchess to the Tower, that he had no complaint to make of her conduct towards him, and that she had always warned him against his political adventures, of which she disapproved. In a last farewell to his children, who were brought to him on Wednesday morning by Turner, the Bishop of Ely, he is said to have shown " much composure of mind, exhibiting nothing of weakness or unmanliness." He had already signed a paper renouncing his claim to the Crown, and admitting that " the late King told me he was never married to my mother. Having obtained this, I hope the King, who is now, will not let my children suffer on my account." This paper he handed to the Sheriff on the scaffold.

At ten o'clock on the morning of Wednesday, July 15th, he was summoned by the Lieutenant of the Tower to accompany

him to be handed over to the Sheriff. The Duke was still arguing with the four clergymen who, owing to their differences with him in relation to the doctrine of non-resistance and his attitude towards his beloved Henrietta, deemed it their duty to refuse to administer to him the Holy Communion. Nevertheless they went with him to the scaffold, the two bishops, Turner and Ken, going in the Lieutenant's coach, and Dr Tenison and Dr Hooper following the procession. The Lieutenant only brought him a few steps without the fortress and then handed him to Mr Sheriff Gosselin, who led him through the lines of soldiers drawn up to keep back the mob, to the foot of the scaffold. The sentence did not include mutilation, and the King by special order had allowed the scaffold to be draped with mourning. The divines, the Sheriff, his prisoner and three officers with pistols ascended the steps, amid profound sighs and groans from the large crowd that had gathered to see the last of King Monmouth.

When he reached the block the murmurs sank into a breathless silence to hear what, if anything, he might say to them. Monmouth looked at Jack Ketch, who was the executioner, and said, " Is this the man to do the business ? Do your work well ! "

He would then have prepared himself for the end, but Ken and his colleagues, no doubt acting under orders, began worrying him to own to the doctrine of non-resistance and to acknowledge his sin in that matter publicly. Monmouth would not do more than pay a general tribute to the doctrine of the Church of England in general, and after the divines had " much urged him," to use their own phrase, they gave up the business as a bad job.

The Duke would then have begun an address to the people about Henrietta, and got as far as declaring that she " is a very godly and virtuous woman," and added, " that which hath passed betwixt us was very honest and innocent in the sight of God——" when he was stopped by Sheriff

Gosselin, who asked him whether they were married. Monmouth, not unnaturally, refused to discuss these personal matters, regarding the question as untimely. Gosselin thereupon expressed his regret that the Duke would not acknowledge his sin of rebellion.

Monmouth referred to the signed paper which he had handed to him, and assured him that he "died very penitent."

They all continued to argue with him, and he, poor wretch, said to one of the bishops, not without a show of reason, "I repent of all things a true Christian ought to repent of. I am to die—PRAY, MY LORD!"

But with them it was politics first—and prayers second, and when he expressed his regret that blood had been shed by his means, Sheriff Vandeput shouted out to the mob, "He says he is very sorry for invading the Kingdom."

After further discussion one of the bishops said to him: "Here are great numbers of spectators; here are the Sheriffs, they represent the great city; and in speaking to them you speak to the whole city; make some satisfaction by owning your crime before them."

He refused to break his silence and wrangle further with his tormentors, and for very shame they went to prayers, in which Monmouth joined them with great fervency until they ended with the petition, "O Lord, save the King," to which, after some pause, he said "Amen!"

He then turned to Ketch, and was in the act of undressing and explaining to him that he did not propose to wear a cap, when one of the bishops made a further appeal to him of a more sporting and less controversial character, saying: "My Lord, you have been bred a soldier, you will do a generous Christian thing if you please to go to the rail and speak to the soldiers, and say that here you stand a sad example of rebellion, and entreat them and the people to be loyal and obedient to the king!"

"I have said I will make no speeches; I will make no speeches. I come to die."

" My Lord, the words will be enough," said the relentless bishop.

But Monmouth had turned his back on him and was giving something to his servant, and six guineas to the executioner to do his business well, reminding him that he had struck Lord Russell three or four times.

He handed his servant several remaining guineas, saying: " Give him these if he does his work well."

" I hope I shall," said Ketch expectantly.

" If you strike me twice I cannot promise you not to stir," said Monmouth, and having completed his undressing he lay down, but then raised himself on his elbow to feel the axe, saying he feared it was not sharp enough and heavy enough. Ketch assured him it was both, and so he lay down again and gave the signal.

John Verney, who met Lady Gardiner's servant Joseph coming from Tower Hill, and heard his graphic account of Monmouth's last moments, almost directly after the axe had fallen, sends his report of the beastly affair down to his family at Buckinghamshire. It is not different from the story told by Dr Tenison to Evelyn and other contemporary narratives of the wretched business.

" On the scaffold there were four divines, the Bishops of Ely, Bath and Wells, Dr Tenison, and Dr Hooper. He said little but answers, and did sometimes turn from them when they asked him several questions one after another. But he died very resolutely, neither with affectation nor dejectedness but with a courageous moderation. The executioner had five blows at him. After the first he looked up, and after the third he put his legs across, and the hangman flung away his axe, but being chid took it again and gave him t'other two strokes, and severed not his head from his body till he cut it off with his knife."

" This," as Tenison told Evelyn, " so incensed the people that, had Ketch not been guarded and got away, they would have torn him to pieces." They tried to rush the scaffold,

but the soldiers kept them off with halberds and pikes. Nevertheless, many reached their objective and dipped their handkerchiefs and even their shirts in the blood of their hero that they might carry such sacred relics back to their homes.

The body was placed in a coffin and driven in a hearse with six horses to the Tower, followed by a funeral coach also drawn by six horses. There the head was sewed again to the body, which was decently laid out, and that afternoon Mr Kneller made his drawing for the painting which now hangs in our National Portrait Gallery. In the days of his vanity the Duke had been Kneller's earliest patron, and had given him one of his first important commissions and introduced him to his father, persuading the King to give him a sitting instead of Lely, so that it was fitting the artist should pay this last mark of respect to the dead.

Monmouth was still in the prime of manhood, being but thirty-six, but that he would ever have been anything but a handsome, adroit, attractive, popular prince, the puppet of scheming politicians, seems scarcely doubtful. "He failed and perished," as the sensible Evelyn notes in his diary. But even when he passed from history he remained in the hearts of his followers in legend, romance and even myth.

A story sprang from nowhere, which was widely received in the West of England, that Monmouth was never executed, his place having been taken by some contemporary Sydney Carton. For years afterwards in the countryside of the Vale of Taunton, and on the Mendip Hills, and across Exmoor and Dartmoor, and southward towards the Dorsetshire Downs, and in the little combes and coves along the Channel coast, simple, faithful peasants refused to part with their hero, and with steadfast faith awaited his second coming from abroad.

Nor need we smile in superior contempt at the credulity of our grandfathers, for here in Kent I have met many honest citizens who firmly held the belief that Lord Kitchener would some day return to us. Indeed, a steady faith in the impossible is often a real consolation to those who mourn.

Chapter XV: *A Summer Circuit*

Lord Chief Justice Jeffreys was drinking the waters at Tunbridge Wells when the rebellion broke out in the West. He was suffering from stone, and as he did not desire to travel he made arrangements to go the Home Circuit with Mr Justice Street. This appointment was gazetted on July 11th, and the Judges proposed to start on August 31st.

The exact date when it was decided to send a Special Commission, with Jeffreys at the head of it, to try the rebels in the West does not seem to be known. In the Treasury papers the actual Commission is dated July 8th. You will remember that Captain Oglethorpe had only arrived with the news of the battle of Sedgemoor on Tuesday, July 7th, so that when the Special Commission was decided upon for some reason or other the order for it was ante-dated. Indeed, we find Jeffreys as late as July 25th receiving an official letter about his arrangements for going the Home Circuit.

But when the Special Commission was decided upon, and Jeffreys was appointed to preside over it, we may be sure it was a mission that appealed to his worst instincts, and he at once set about making his preparations to start before the end of August. The judges to be associated with Jeffreys were Chief Baron Montagu and Mr Justice Levinz of the Common Pleas, both of them men respected by the public and the profession; and Mr Justice Wythens and Mr Baron Wright, men of no repute, who had been jobbed on to the Bench by the Lord Chief Justice, and were rightly regarded as his creatures. The Chief, therefore, had a clear majority if his respectable colleagues at any time objected to his proceedings. To their discredit we shall find that the minority

made no protest against Jeffreys' misconduct, and that throughout their errand of injustice they unanimously supported their chief in the methods of cruelty and tyranny which provoked their fellow-citizens to describe their activities as The Bloody Assize, a just description of the Commission, which will remain for all time.

James II. and his Chief Justice were both men of naturally cruel natures and, like all rulers of narrow outlook, limited intelligence and overweening conceit, firmly believed in massacre and terrorism as instruments of government. But they were also fearful of retaliation, and it was settled, probably on Jeffreys' advice, that an armed bodyguard should accompany the judges.

Some say that the King appointed the Chief Justice a Lieutenant-General to command the troops. But I have not found any such commission, and Sir James Mackintosh, quoting a War Office Paper, says that what happened was that the army officers already in the West were specially ordered " to furnish such parties of horse and foot as might be required by the Lord Chief Justice on his circuit for securing prisoners, and to perform that service in such manner as he should direct."

The Chief Justice had the powers of a general if not the rank, and the King was graciously and humorously pleased to allow his servant Jeffreys to refer to his activities as a " campaign." It was certainly far more of a campaign than an assize, and never aspired for a moment to be an inquest of truth.

The King undoubtedly believed that the destruction of Dissenters would be not only pleasing to the Almighty and the Pope, who were already his supporters, but also to the bishops and clergy of the Church of England, whose good will was necessary to him. At the back of his dull mind he seems to have thought that a campaign of massacre would make his throne secure and enable him to start upon his scheme of bringing in the Papist rule without interference.

Jeffreys was himself an adherent of the Church of England. Trimmers and Puritans he hated with a bitter loathing. He would foam at the mouth over the sayings and doings of the "snivelling saints" who paraded their Nonconformist consciences, and whose works and days silently upbraided the foulness of his own habits. Small wonder that he licked his lips over the feast of blood to which his lord and master had called him. Neither had the insight to see that their triumphant campaign was to be the chief cause of their downfall, and that the blood they shed would be amply avenged by the utter destruction of themselves, their breed, and their ideals.

The Assize was to be opened at Winchester at the end of August. This city was chosen because here Alice Lisle—commonly known as Lady Lisle—was waiting to be tried. Her execution was determined upon in London as a masterpiece of terrorism which would drive the poor wretches herded in the jails to throw themselves on the mercy of a Court pledged to vengeance.

Her crime was sheltering two men named Nelthorpe and Hicks, who were alleged to be rebels. Richard Nelthorpe was a barrister of Gray's Inn, and is said to have been concerned in the Rye House Plot. He had chambers then in the same building in the Temple with Richard Goodenough, an attorney, who was also one of the conspirators and ultimately turned King's evidence. Their rooms were raided, and though no evidence was discovered Nelthorpe fled to Holland. He was then duly outlawed. As might be expected, he eagerly joined Monmouth's army, landed with him at Lyme Regis, and was in the debacle at Sedgemoor. After the battle he was sheltered by Alice Lisle, but his hiding-place was discovered by a man named Barter, and he was arrested and carried to London.

Here, on August 9th, Jeffreys examined him personally to see if he could get material for the cross-examination of the witnesses in Alice Lisle's trial. H. B. Irving says that it was

Nelthorpe's admissions that enabled the Chief "to appreciate the heinousness of Dunne's lying." But this seems very doubtful, for Nelthorpe resolutely refused to give Jeffreys any assistance, and in consequence was so brutally ill-treated that for a time he lost his reason. It is said that Jeffreys offered Nelthorpe his life and liberty for £10,000, but there was a wife and five children to think of, and Nelthorpe did not care to squander their fortunes on the uncertain security of the word of the Lord Chief Justice.

We shall see, I think, when we come to the evidence of the trial, that Jeffreys was only bullying and bluffing in pretending to the witnesses that he knew all about the matter. This is a traditional deception still dear to the mind of the inferior policeman and lower-class attorney. Jeffreys gloried in it, and his methods of dragging the evidence he wanted, out of an unwilling witness, would have inspired admiration among the modern professors of "the third degree."

The five judges met in consultation at Jeffreys' chambers on Thursday, August 20th. The main theme of discussion on that occasion seems to have been whether they should stay a night on their way down with Peter Mews, Bishop of Winchester, at his palace at Farnham Castle. It was agreed that they should do so. Mews could tell them something about the fighting. He had, as we have seen, taken his horses across country to Sedgemoor to draw the royal cannon. He had been a soldier on active service, and had been taken prisoner at Naseby, and now at sixty-five he was still ready to do battle for his king, and had actually directed the fire of the artillery himself and was wounded in the battle. However, he was well enough to entertain the judges on August 29th, and they stayed a night at the Castle on the way to Winchester.

It must have been an imposing cavalcade that left London for the West on their errand of cruelty and revenge. The five judges and their marshals and clerks and outriders, headed by the Lord Chief Justice in his coach and six, trotting

down Knightsbridge and through the Hammersmith Broadway toward Windsor and the West. The members of the Bar generally rode the circuit, their robes and law books preceding them in a co-operative wagon, but old Pollexfen, who had been chosen by Jeffreys as Crown Prosecutor, may have been honoured by a seat in one of the judicial coaches.

It is said that the famous Jack Ketch and his assistants were part of the retinue, and that this master executioner, who had executed among others Coleman, Lord Russell and Monmouth, was carried down by the Commissioners to round off their work. A modern writer speaks of him and his assistants continuing at their gruesome work in Somerset until the end of the year.

Henry Pollexfen, a learned Whig lawyer, seems to have been on some terms of social intimacy with Jeffreys, and his appearance as prosecutor in the trials of the rebels has been commented on unfavourably. But it is hard to see how, as leader of the circuit, he could without disloyalty refuse the brief. As a sound constitutional lawyer in large practice he would have no sympathy with rebellion, and less respect for an unsuccessful revolution. Like many well-to-do and far-seeing Whigs he waited for the real thing, and when it did come he was rewarded for his patience by being appointed Attorney-General, and afterwards Chief Justice of the Common Pleas.

Although Jeffreys was said to be in pain from his disease, and this is used by his friends as some excuse for his outbursts of misconduct, yet it is said that he left London in high spirits. One cause of this was that his rival, Francis North, Lord Keeper Guildford, was undoubtedly dying, and had resigned the Great Seal. He had been deeply injured by the neglect of the King and the contemptuous hostility of the Chief Justice. He had always been a righteous, apprehensive personality, keeping the world at arm's length, and now he was a very sick man. He had never been a man of courage, and could not stand up against powerful and active

enmity. During his last sittings in Westminster Hall he hid his face from the Bar and the public behind an official nosegay. He told his young brother Roger that he believed he had a shamed look as of one who had done evil, and that he had lost his former mien of authority. It was no doubt pure fancy, born of feverish disease and mental misery, caused by the disdain of his prince and the insolence of the man who was waiting for his shoes. He had retired to his seat at Wroxton in Oxfordshire before Jeffreys left London, and died on September 5th, three days after the execution of Alice Lisle.

Alice Lisle, a widow lady of over seventy, lived at Moyles Court, near Ringwood, in Hampshire, a county in which there had been no actual rebellion. Her husband, John Lisle, was Member for Winchester and one of Cromwell's Commissioners of the Great Seal, and had also been one of the judges of Charles the First. Cromwell had made him a lord and, though her title was not legally recognized at the Restoration, the local people addressed his widow as Lady Lisle. When the King returned Lisle fled to Switzerland, where he was murdered by Royalist hirelings. There was enough in the history of her late husband to make her a fit subject for the revenge of James.

For the King was a man devoid of gratitude or forgiveness, otherwise the testimony of decent members of his own party would have weighed with him in their intercession. For Lady St John and Lady Abergavenny wrote strongly to Lord Clarendon, and the King was clearly reminded how she had favoured the friends of the late King in the Civil War; and how her kindness to them when they were refugees in the earlier troubles had endeared her to the Tory squires and gentry of Hampshire, who knew her now only as a good woman and kind neighbour, and one ready, without thought of politics, to shelter the poor and the distressed.

And if her own character and acts of charity to his friends had little or no weight with James, the fact that her son had

actually served in the King's army against Monmouth might have had some influence on a king who had himself served as a naval officer, and therefore might have had the traditional feelings of an officer and a gentleman about the inconvenience of executing the mother of one of his own soldiers for a political offence. But here he showed a reversion to that type of civilian mind which is swayed, by cowardice and fear, to do injustice. There were many instances of it in recent years when the mob clamoured for the internment of fathers and mothers of foreign origin whilst they ordered their children into the ranks to fight their battles.

This was the woman that Jeffreys was riding down to Winchester to destroy, and from a legal point of view the task was no cleaner than it can reasonably be made to appear from a moral point of view, or from any standard of decent human conduct. What Mrs Lisle had done was to give shelter to two fugitives of Monmouth's routed army for one night, the outlaw Nelthorpe, and a respectable Presbyterian minister named John Hicks, who had been with the Duke's army.

During the outbreak Alice Lisle had been with friends in London, and she returned to her home about the end of July. It was alleged against her that, on July 28th, she received a visit from a baker named Dunne, carrying a message from Hicks asking her whether he and a friend could be received and lodged for the night. Thereupon, as she had sent a favourable reply, on Tuesday night Dunne brought them to Moyles Court, where Dame Lisle entertained them to supper, and it was said they discussed the disaster at Sedgemoor.

Now there were various defences that could be raised. The prosecutors had to satisfy the jury that the lady knew that the two men were combatants and rebels. Although Nelthorpe was an outlaw Hicks had not at this time been convicted of any crime, and the Crown would have to prove the prisoner's knowledge of her visitors' antecedents.

In a case of murder or any other felony an accessory after the fact is not liable to the punishment of the actual crime. But in high treason there are no accessories, but all are principals. The treason must be proved, and the knowledge of it on the part of the alleged accessory. Whether in morals and conduct there is a place for the activities of Flora Macdonald or Alice Lisle or Nurse Cavell is a matter, as Macaulay says, " on which casuists may differ."

But the practice of civilized rulers and even civilized generals has been against the execution of good women who transgress the laws of war by acts of charity. James II. and Jeffreys are exceptions, as Macaulay points out, to the honourable record of English governments in such matters. When James and his Lord Chief Justice arranged in London that the first act of the Special Commission should be the trial and execution of Alice Lisle they sinned against the honour of their country.

Chapter XVI: *The Trial of Alice Lisle*

Evelyn excused himself from the fashionable habit of attending trials, saying that, "it was not my custom or delight to be often present at any capital trials, we having them commonly so exactly published by those who take them in shorthand."

This is wonderfully true, and whoever took the note in Alice Lisle's case has left behind a speaking picture of the manners and customs of Judge Jeffreys which no mechanical combination of camera and gramophone could surpass.

Stenography is an ancient art. Doubtless in Roman times the judge of the County Court, *Curia Comitatûs*, sitting at York, had an official shorthand writer, though the Treasury cannot afford him one to-day. But when the Romans left our island they took what we are apt to call "the advantages of civilization" with them, and many of these things were only slowly returning again in the seventeenth century.

And the shorthand work of the Stuart times is probably somewhat less accurate but far more dramatic than our own. All stenographers have to dramatize their copy, otherwise it would be unprintable, as speakers are most of them slovenly creatures. There was probably more unconscious literary work in the final longhand draft of a trial report in the seventeenth century than there is to-day, and certainly the result is far more readable and the drama of the record more vivid.

The judges seem to have stayed the week-end at Farnham Castle with the Bishop of Winchester, and arrived at Winchester Monday night. Tuesday, August 25th, was taken up with reading the Commission and going in state to the Cathedral to listen to the Assize Sermon. It would be

important that the sacred formalities should be observed in view of what was to follow.

The ordinary work of the jail delivery of prisoners and the trial of causes in the civil list was then proceeded with. The judges sat in the Great Hall of Winchester Castle, and if you visit this interesting historic building you may picture the scene for yourself to-day.

Sir William Portal in his account of Winchester Castle says that Jeffreys sat at the western end of the Hall. If so he did not, as some have said, sit beneath the famous Round Table of King Arthur, which has only since 1874 hung on the western wall, but which for five hundred years prior to that date hung on the eastern wall, where there is now a double arch leading to the new Assize Courts. A curtain divided the Great Hall into two courts, the Crown Court on the west, the Civil Court on the east. These were furnished with a bar, at which the jury stood and the prisoner, and a table for the Clerk of Arraigns and the Counsellors, similar to the arrangements then in use at Westminster.

It was no uncommon thing for different courts to sit in the same hall, separated only by partitions, or even curtains, and I am told that this practice continued in Winchester until 1874. The judges finished all the ordinary work of the Assizes first, and on the afternoon of Thursday, August 27th, Alice Lisle's case was called on. It is said that the trial did not begin until five o'clock, and it lasted until eleven o'clock at night. It was not customary in those days to adjourn criminal cases, which were usually finished in a day. I should have supposed, from the report of the proceedings, it must have taken a longer time and probably started earlier, but here I may be wrong.

The prisoner was allowed a seat, and indeed was too frail and weak to have stood through the proceedings. It is generally understood that all the five judges were present on the Bench during her trial.

The drama of the Bloody Assize opens by a minor

character, called the Clerk of Arraigns, rising in Court, and the reporter sets out his speech at length, beginning thus :

Cl. of Ar. Alice Lisle hold up thy hand [which she did]. Thou standest here indicted by the name of Alice Lisle of the parish of Ellingham in the County of Southampton widow ; for that thou as a false traitor against the most illustrious prince James the Second etc., etc.

Now the old lady was very deaf, and probably did not hear a word of it, and was spared the pain of learning that she " was moved and seduced by the instigation of the Devil " to her gracious acts of charity. But these antique shapes of ancient nonsense, which are cherished and used even to our own day, were a necessary preamble to the trial.

At the end of the indictment the form ran :

Cl. of Ar. How sayest thou, Alice Lisle, art thou Guilty of the high-treason contained in the indictment or Not Guilty ?

Lisle. Not Guilty.

Cl. of Ar. Culprit, by whom wilt thou be tried ?

Lisle. By God and my country.

Cl. of Ar. God send thee a good deliverance.

Though the last phrase of the old form is kindly, the word " culprit " addressed to a prisoner seems unfair. We do not use it to-day, though we still place the prisoner apart in a dock to show the jury that we think he probably is a culprit.

The jury were then chosen, and " it being a case of great expectation and moment, the Lord Chief Justice ordered the Sheriff to take care that a very substantial jury should be returned of the best quality in the country."

Mr Mundy having formally opened the indictment of high treason against the prisoner, Mr Pollexfen addressed the jury. It was, as was customary in those days, a prejudicial speech from the prisoner's point of view. He reminded the jury that the lady was a widow of Lisle " who was sufficiently well known," and told them that John Hicks, whom she had sheltered, was a conventicle preacher and one of the greatest

THE GREAT HALL, WINCHESTER CASTLE

Photo by H. W. Salmon.

and most active instruments in bringing about the late horrid rebellion, which was more than he could prove, and then he explained in detail how Hicks and Nelthorpe, having escaped from Sedgemoor to Warminster, sent a man named Dunne to Moyles Court, Alice Lisle's house at Ellingham, to ask if she would give them a night's lodging if they came that way.

Mr Dunne, baker, of Warminster, was a friend to the cause, and had undoubtedly sheltered Hicks and Nelthorpe. It would have been easy to have clapped him into jail and hanged him for his treason with the rest of the obscure Dissenters, but without his evidence the prosecution could not have convicted the widow of the regicide, and so Dunne was saved. It is only fair to his memory to say that he does not seem to have offered himself as an evidence against the woman to whom he had brought his friends.

The battle of Sedgemoor was lost on the early morning of July 6th, and for three weeks Hicks and Nelthorpe had been in hiding. They were, as Monmouth himself had been, intent on making for the New Forest in hopes of hiding in that neighbourhood and getting to the coast, and so to Holland. It was Saturday, July 25th, that Dunne was sent across country. He took the track by Chilmark, Fovant and Salisbury Plain, but when he got as far east as this, he did not know his way to Ellingham, and indeed the way across Fovant Down and Grim's Ditch is no easy one for a stranger to find to this day. He asked his way of twenty persons, and at last a man named John Barter said he knew where Moyles Court was, and took his horse and piloted him thither, for which he was paid half-a-crown. It was agreed between them that Barter should meet him again on the Tuesday when he was bringing Hicks and Nelthorpe, and this he did and showed them the way again.

Barter met them then on Salisbury Plain and they rode together about ten miles, and Nelthorpe paid him ten shillings for his pains, but they parted company after riding this distance together because of some difference of opinion as to

reaching a private way over Fordingbridge towards Moyles Court. It may have been that Hicks and Nelthorpe were suspicious of Mr Barter, in which case their instinct was right, for he had already been with Colonel Penruddock on the Monday, and now he rode away to tell him that the two fugitives were making for Moyles Court.

It was this which led to their arrest upon the Wednesday. Nelthorpe was taken to London. Hicks was sent to Taunton Castle to await trial, and Lady Lisle was taken to the County jail at Southampton.

The first witnesses which Pollexfen called were some men who had been taken prisoners by Monmouth's army at the Keynsham skirmish, and could prove that Hicks was a minister and a person in authority with the rebels. They had seen Hicks in custody at Salisbury, and identified him as the person who was present when they were taken prisoners.

When these witnesses were called Alice Lisle took occasion to remark that " she abhorred the rebellion as much as any woman in the world."

Upon this Jeffreys pounced upon her with an harangue, in which he explained that though he must interrupt her now, " you shall be fully heard when it comes to your turn to make your defence, but anything you say now is irregular and improper." He then continued for the benefit of the public in the gallery, rather than the deaf old lady who could not hear his eloquent tribute to British justice, a long speech, winding up with the comforting words to the prisoner that " though we sit here as judges over you by authority from the King, yet we are accountable, not only to him, but to the King of Kings, the great Judge of heaven and earth; and therefore are obliged, both by our oaths and upon our consciences to do you justice, and by the grace of God we shall do it you may depend upon it. And as to what you say concerning yourself I pray God with all my heart you may be innocent."

The old lady, being very deaf, was permitted to have a

man named Matthew Brown near her to interpret what went on, but whether he was allowed to repeat the judge's remarks or only those of the witnesses does not appear. Let us hope she was spared Jeffreys' hypocritical blasphemy, since within a few moments she must have been made clearly aware that he was on the Bench not to assist her to prove her innocence, but to strain every point of law and fact to persuade the jury to bring in a verdict of guilty against her.

Little time was wasted upon the witnesses proving Hicks a rebel. There was no doubt about his sympathy with the rebels, but he was not like Bishop Mews, a combatant. Still in the eyes of the judge a dissenting minister was worse than a dissenting soldier.

Pollexfen now called Mr James Dunne, and took a somewhat curious course, which I cannot but think must have been agreed between him and Jeffreys before the Court sat. He simply informed the judges the dates and facts he would prove, and then continued, " But withal, I must acquaint your lordship that this fellow Dunne is a very unwilling witness ; and therefore with submission to your lordship, we do humbly desire your lordship would be pleased to examine him a little the more strictly."

With these words Pollexfen and his juniors seem to fade out of the case. The other four judges take no further part in the proceedings, and the rest of the trial is a duologue between Jeffreys and Dunne, with an occasional intervention of some other witness called in to counter statements of Dunne's by the unwearying prosecutor on the Bench. I can call to mind no occasion on which the Bar of England, even in those dark days, appears in such an unworthy position. But scandalous as is the cross-examination of Dunne by Jeffreys from the view of honest administration of justice, yet the human drama of the dialogue recorded by the reporter is one of the most fascinating and exciting passages in the dim yellow pages of the State trials.

For Dunne was intent to take refuge in obstinacy,

stupidity and a stolid loss of memory, or even in silence, and Jeffreys was there to draw this yokel human badger into the pit of the Court and there to bait him for his own zest in the skill of the game, his love of bullying and terrorizing and his earnest intent to destroy the prisoner.

When he looks at the downcast Dunne, hanging his head in sullen fear, there is a light of joy in his eyes at the pleasure to come of giving the fellow "a lick with the rough side of his tongue." This was his own judicial phrase when he described over the bottle to his boon companions the triumphs of his cruelty. He had almost the actual tricks of speech of the immortal Squeers. When he exhorts a witness to tell the truth you almost expect to hear him say, "Let any boy speak a word without leave and I'll take the skin off his back."

And poor Dunne, though he worked to save the good lady at the Bar, knew all the pitfalls that surrounded him, and was well aware that the terrible creatures on the Bench might remove him down to the Bar and sentence him to be hanged, or if they misliked his evidence, dub him a perjurer and torture him at the cart's tail. But then, on the other hand, if his tongue slips and he betrays the innocent, how can he live and face his fellow-men, and when his last hour comes, die in his bed in peace?

The Lord Chief begins his talk with the poor wretch quietly enough.

L. C. J. Hark you, friend, I would take notice of something to you by the way, and you would do well to mind what I say to you. According as the Counsel for the King seem to insinuate, you were employed as a messenger between these persons, one whereof has already been proved a notorious rebel, and the other is the prisoner at the Bar, and your errand was to procure a reception at her house for him.

Dunne. My Lord, I did so.

L. C. J. Very well. Now mark what I say to you, friend: I would not by any means in the world endeavour to fright you into anything or any ways tempt you to tell an untruth;

but provoke you to tell the truth, and nothing but the truth, that is the business we came about here.

Jeffreys here harangued him with much hypocritical blasphemy to consider the position of his precious immortal soul, and remember *inter alia* "that God of Heaven may justly strike thee into the eternal flames and make thee drop into the bottomless lake of fire and brimstone." And for fear these terrors should seem to his victim somewhat irrelevant and remote, he explains that his jurisdiction is more immediate than that of the Almighty. "For I tell thee," he continues, "God is not to be mocked, and thou can'st not deceive Him though thou may'st us. But I assure you, if I catch you prevaricating in any the least tittle (and perhaps I know more than you think I do; no, none of your saints can save your soul, nor shall they save your body neither) I will be sure to punish every variation from the truth that you are guilty of. Now come and tell us how you came to be employed upon such a message, what your errand was, and what was the result of it?

Dunne. My Lord, there came a man to my house and desired me to go of a message to my Lady Lisle's.

Here the judge interrupts him, and from the first he is never allowed to tell his own story. It is one continuous cross-examination, and the result of more than a page of questioning is the elucidation of the following facts. That a short black man, to the witness unknown, came to him at Warminster to go a message to Dame Lisle's, twenty-six miles away; that he went on Saturday, saw Carpenter her bailiff, and asked him if Dame Lisle would entertain one Mr Hicks; that the bailiff said he would have nothing to do with it, and that he saw Dame Lisle, and she said Hicks could come on the Tuesday following and she would entertain him.

They are now at the crux of the case, for out of this witness, or not at all, they must get some confession implicating Alice Lisle in knowledge of Hicks's treason. Counsel now

take up the running a little, and Pollexfen and his junior, Mr Coriton, hazard a question or two, but Jeffreys waves them aside. The report continues :

L. C. J. Well then, now let us know what other discourse you had with her ?

Dunne. My Lord, I do not remember anything more.

Mr Pollexfen. Pray Mr Dunne, did she ask you any questions, whether you knew Mr Hicks or no ?

Dunne. Nothing at all of that that I remember.

Mr Coriton. Did she believe that you knew Mr Hicks ?

Dunne. I cannot tell.

Mr Coriton. Do you believe that she knew him before ?

Dunne. I cannot tell truly.

L. C. J. Why dost thou think she would entertain any one that she had no knowledge of, merely upon thy message ? Mr Dunne, Mr Dunne ! have a care, it may be more is known of this matter than you think for.

Dunne. My Lord, I tell you the truth.

L. C. J. Well, I only bid you have a care, truth never wants a subterfuge, it always loves to appear naked ; but lying and snivelling and canting and Hicksing always appear in masquerade. Come, go on with your evidence.

The Chief Justice proceeds to get out of the unwilling Dunne all his movements on the Saturday when he rode alone to Ellingham, and the Tuesday when he guided Hicks and Nelthorpe thither. The introduction of the man Barter's name causes Jeffreys to ask where he is, and upon his standing up for identification he turns out to be a very lusty man and not, as the judge had hoped, the little dark man who brought the original message to Dunne. Jeffreys was very eager to hear more of the " little dark man," who might have proved something of conspiracy or intention against the prisoner, and continues his cross-examination of the details of Dunne's journeys with meticulous care.

At length Dunne and his friends are brought near to their destination, and the drama becomes more tense.

L. C. J. Was it before nine or after nine that you came to my Lady Lisle's ?

Dunne. I believe it was rather after nine, my Lord.

L. C. J. Who came first to my Lady Lisle's, prithee tell us frankly ?

Dunne. My Lord, we came all three together to the gate.

L. C. J. Who knocked at the gate, you or Barter or who else ?

Dunne. Barter, my Lord, was discharged before we came near the house, about eight miles from it.

L. C. J. Sayest thou so ? How came you then to know the way without him ?

Dunne. My Lord, I will tell you; they lost their way and they sent me down to Marton, and there I went to a man, my Lord, and told him one Hicks desired to speak with him.

Marton is, I think, Martin, a Wiltshire parish on the Downs, on the direct route from Fovant to Fordingbridge. Here they could cross the river Avon and proceed to Molyes Court, which stands a mile from Ellingham on the east bank of the river.

L. C. J. Thou sayest well, now must I know that man's name.

Dunne. The man's name that I went to at Marton, my Lord ?

L. C. J. Yes, and look to it you tell it right, for it may be I know the man already, and can tell at what end of the town the man lives too.

Dunne. My Lord, if I can mind it I will.

L. C. J. Prithee do !

Dunne. His name, truly, my Lord, I cannot rightly tell for the present.

L. C. J. Prithee recollect thyself; indeed thou can'st tell us if thou wilt.

Dunne. My Lord, I can go to the house again if I were at liberty.

L. C. J. I believe it, and so could I; but really neither

you nor I could be spared at present, therefore prithee do us the kindness now to tell us his name.

Dunne. Truly, my Lord, I cannot mind his name at present.

L. C. J. Alack-a-day! we must needs have it! Come, refresh your memory a little.

Dunne. My Lord, I think his name was Fane.

L. C. J. Thou sayest right, his name was Fane truly, thou see'st I know something of the matter.

I have often wondered whether his name was Fane, and whether Dunne was bluffing the judge, as the judge was undoubtedly bluffing Dunne when he assured him over and over again that he knew "every tittle" of the truth of the affair. Later on he went so far as to assert to the witness, "I will assure you Nelthorpe told me all the story before I came out of town." This was probably a lie. Nelthorpe gave him no information of any moment. It is interesting, however, to-day to observe that it is apparently a very ancient tradition, of public prosecutors and their agents throughout the world, to falsely pretend to their victims that they already know the whole truth of the matter they are investigating, with intent to obtain a confession. It is a degrading and dishonest business and the cause of much injustice, but it remains an instrument of police torture in many civilized countries to this day.

The Chief Justice continued his cross-examination with very little effect. Dunne sticks to his story with a stolid determination to bring no one into the trouble if he can help it. His narrative was not a very probable story, and it was far from being the whole truth. As the judge said, with his eye no doubt on the jurymen: "Thou seemest to be a man of a good deal of kindness and good nature; for by this story there was a man that thou never sawest before (for I would fain have all people observe what leather some men's consciences are made of), and because he only had a black beard and came to thy house, that black beard of his should per-

suade thee to go twenty-six miles and give a man half-a-crown out of thy pocket to show thee thy way, and all to carry a message from a man thou never knowest in thy life to a woman whom thou never sawest in thy life neither."

Dunne feebly replied that the black-bearded one had assured him that Hicks would reward him for his pains, but admitted that up to now all he had got by his good nature was a month's imprisonment.

The judge then goes through every movement of Dunne on his arrival at Moyles Court. The witness admits that he stabled his horse and that Carpenter gave his horse hay, but says that he went to the stable first, "the stable door was latched and I plucked up the latch." This does not please the judge, and after a long and somewhat useless cross-examination he begins to give his victim a preparatory rough lick of the tongue.

L. C. J. Now, prithee tell me truly where came Carpenter unto you? I must know the truth of that; remember that I gave you fair warning, do not tell me a lie, for I will be sure to treasure up every lie that thou tellest me and thou may'st be certain it will not be for thy advantage: I would not terrify thee to make thee say anything but the truth; but assure thyself I never met with a lying, sneaking, canting fellow but I always treasured up vengeance for him: and therefore look to it that thou dost not prevaricate with me for to be sure thou wilt come to the worst of it in the end.

This was about as encouraging to the witness as when Mr Squeers, after a terrible pause during which he had gripped his cane and moistened the palm of his right hand, uttered those memorable words: "A sulky state of feeling won't do. Cheerfulness and contentment must be kept up."

One can imagine that the knowing ones in Court looked forward to a bit of brutal sport. Jeffreys had played humorously with his fish, but had failed to land him. Now he was going to adopt other methods. It was some time ago that

Dunne had mentioned unlatching the stable door, when suddenly after his terrifying warning the judge returns to the question.

L. C. J. Now upon your oath tell me truly who it was that opened the stable door, was it Carpenter or you ?

Dunne. It was Carpenter, my Lord.

At last he had caught Dunne in a slip. His tormentor had got a direct contradiction out of him, and burst out into one of his pæans of invective and raging blasphemy, the noisy extravagance of which is said to have struck terror to the hearts of those who heard it. On these occasions the man seems to have gone raving mad, and yet, like a human stoat with a lust of cruelty, was able to pause now and again to enjoy gazing at the trembling aspect of his victim. No sooner had Dunne uttered the unfortunate words than a snarl of victory arose from the Bench.

L. C. J. Why, thou vile wretch did'st thou not tell me just now that thou pluckedst up the latch ? Dost thou take the God of heaven not to be a God of truth and that he is not a witness of all thou sayest ? Dost thou think because thou prevaricatest with the Court here, thou canst do so with God above, who knows thy thoughts. And it is infinite mercy that for those falsehoods of thine he does not immediately strike thee into hell ! Jesus God ! there is no sort of conversation nor human society to be kept with such people as these are who have no other religion but only in pretence, and no way to uphold themselves but by countenancing lying and villainy! Did not you tell me that you opened the latch yourself, and that you saw nobody else but a girl ? How durst you offer to tell such horrid lies in the presence of God and a Court of Justice ?

The judge continues to rave, and Dunne still holds his ground and declares that he did not see any more than what he had told the Court already.

Jeffreys utters one of his tirades against Dissenters, how they "can cant and snivel and lie and forswear themselves and

all for the good old cause." And if indeed Dunne was lying to shield the prisoner and her servants, or if he was more or less speaking the truth, he was certainly a stout fellow and stood his cross-examination with great courage.

For an hour, or probably nearer two, the great terrorist of the Bench had pelted the man with questions and threatened him with the pains and penalties of the next world and this, and the special vengeance of the Lord Chief Justice, a man known throughout the land as a merciless, cruel tyrant. Liar or saint, or human mixture of the two, Dunne had forstood him, and up to now had uttered nothing against the poor woman at the Bar. My Lord had failed. After his paroxysms of wrath had subsided he seemed to tire. He asked a few more searching questions, but Dunne parried them easily enough. The judge was getting weary. Mr Jennings and Mr Rumsay, the learned juniors in the case, asked a question or two to help him. His brethren on the Bench gave him no word of encouragement. Old Pollexfen comes to the rescue, saying he will set Dunne by for the present and call Barter. Lady Lisle is asked whether she will examine Dunne, but the old lady shakes her head. She had probably heard little or nothing of Dunne's cross-examination as it would have taken many hours to repeat each question and answer, but she could of course see the savage gestures of the judge, and was wise enough not to provoke him further.

Barter is now introduced by Mr Pollexfen as one "we hope is an honest fellow and will tell the truth."

Here it seems a convenient moment to adjourn, as after Barter's evidence the case, which up to now was moving along favourably to the prisoner, took a different turn. And it seems very probable that the Court itself may have adjourned for some supper at about this stage, as soon afterwards we find the daylight is waning, the Court has to call for candles, and the Lord Chief Justice has become more talkative and abusive.

Chapter XVII: *The Triumph of Jeffreys*

As soon as Barter stepped forward to give evidence the Lord Chief Justice turned to him and said : " Friend, you know your soul is at pawn for the truth of what you testify to us ; the other fellow thou seest has been prevaricating with us all this while, and swearing off and on, and scarce told one word of truth, I know very well : now I know as much of thee as I do of him, therefore look to thyself, and let the truth and nothing but the truth come out."

Barter was taking no risks, though he did not know much that was relevant to the indictment against the prisoner. He however said that Dunne had a letter with him when they came to Moyles Court on the Saturday, and that he saw him produce it to Carpenter the bailiff, who would not meddle with it, and that then Dunne went on to the house. Afterwards my lady and Dunne came out and she had some conversation with Barter about brickmaking, and then went to Dunne who stood apart and they laughed together, " and afterwards," says Barter, " when we were going along, I asked him what she laughed at."

In modern days a conversation such as this carried on in the absence of the prisoner would not be evidence, but the Lord Chief Justice is of course eager to hear it.

L. C. J. Ay, and now tell me what he said to thee about it?

Barter. He told me, my Lord, my Lady asked whether I knew anything of the concern ? And that he answered her, no ; this the fellow told me was that she laughed at !

Barter then went to Colonel Penruddock, a magistrate, and told him his story. When he met the fugitives again on the Tuesday and they dismissed him and took the guide Fane from Marton, he at once went back to Penruddock and

gave information that he would find the men at Moyles Court. He also said that Dunne had told him that "he had a very fine booty for his part and that he should never want money again."

The Lord Chief Justice was feeling happier for this information about the letter. Strange that the man who knew the whole truth of the affair, as he kept saying from the Bench, should have never even guessed ere this that Dunne carried a letter. However he determines to have another bout with Dunne to try and thrash the truth out of him.

L. C. J. Then let my honest man, Mr Dunne, stand forward a little. Come, friend, you have had some time to recollect yourself; let us see whether we can have the truth out of you now; you talked of carrying a message from Hicks to my Lady Lisle; did not you carry a letter?

Dunne. No, my Lord, I did not.

L. C. J. What say you, Barter, to that?

Barter. My Lord, I did see him produce the letter to the bailiff.

L. C. J. Then I will ask you another question: Did you not tell Barter that you should be at Salisbury Plain with two people upon Tuesday?

Dunne. No, my Lord, I said between Compton and Fovant.

L. C. J. Did not you tell him that they were brave fellows and had God knows how many thousand pounds a year apiece.

Dunne. No, my Lord, I did not.

L. C. J. Then one thing more: Did not you tell him that you told my Lady, when she asked whether he was acquainted with the concern, that he knew nothing of the business?

Dunne. My Lord, I did tell him so.

L. C. J. Did you so? Then you and I must have a little further discourse: Come now and tell us what business was that? And tell it us so that a man may understand and believe that thou dost speak the truth.

Dunne. Does your Lordship ask what that business was ?

L. C. J. Yes, it is a plain question. What was that business that my lady asked thee whether the other man knew, and then you answered her that he did know nothing of it ? "

[Then he paused a while.]

But though the judge waited an answer and then repeated his question Dunne remained silent. As the writer of the record says, " Dunne made no answer but stood musing a while." He had made a fatal admission. If Lady Lisle had really asked him that question then what was the business ? Jeffreys was going to have it out of him.

Jeffreys looks at him. The whole Court looks at him. " He is studying and musing how he shall prevaricate," says the judge. " Now I would know what that business was."

Still he made no answer but seemed to muse.

" Look thee," says his tormentor in Welsh phrase, " if thou can'st not comprehend what I mean, I will repeat it to thee again ; for thou shalt see what countryman I am by my telling my story over twice. Let us know what that business was ? "

" That business that Barter did not know of ? " asks the wretched Dunne.

" Yes," cries the exasperated judge, " that is the business, be ingenuous, tell the truth : Oh ! how hard the truth is to come out of a lying Presbyterian knave."

And to encourage him Jeffreys turns on his religious stop and again dilates on the powers of the Almighty to punish sinners, ending his exhortation with the familiar question : " What was that business you and my Lady spoke of ? "

The record tells us that " Then Dunne paused for half a quarter of an hour, and at last said, ' I cannot give an account of it.' " What a strange sight it must have appeared to the onlooker. The old woman at the Bar dozing half comatose. The Counsel and judges silently waiting the time of the witness, who stands downcast and trembling before his tor-

mentor. For seven and a half minutes by the clock Jeffreys waits expecting at last his victim will give way, and then the poor wretch murmurs: "I cannot give an account of it." It is enough to excuse my Lord's outburst. "Oh, blessed God! Was there ever such a villain upon the face of the earth: to what times are we reserved! Dost thou believe in a God?"

Dunne is quite ready with his answer here, and the strange pair settle down to a page of discussion concerning the omniscience of the deity and the certainty that Dunne's words and actions are known to God above. In all this Jeffreys, who enjoyed displaying his devotion to religion when on the Bench, finds Dunne replying to his catechism with great fervour and heartiness. But when he winds up with a request that the Court may share with Providence Dunne's recollection of "the business you spoke of," the record is as before: "But he made no answer."

Lord Chief Baron Montagu, who sat silent throughout the rest of the trial, now tries to elicit an answer, but none comes, and then Jeffreys breaks into columns of abuse of the witness and his co-religionists, hoping thereby to overawe the jury whose verdict is essential to his object.

"I hope, gentlemen," he says, "you take notice of the strange and horrible carriage of this fellow; and withal you cannot but observe the spirit of that sort of people, what a villainous and devilish one it is. . . . A Turk is a saint to such a fellow as this, nay, a Pagan would be ashamed to be thought to have no more truth in him. O blessed Jesus! What an age do we live in, and what a generation of vipers do we live among. . . . Will any of you all, gentlemen, be content to die with a lye in your mouth? Do not you all expect, according to the orthodox doctrine of the true Church of England, that eternal damnation will be the portion of lyars?"

Once more Jeffreys cries out upon Dunne's wickedness, and denounces him and his friends, and implores him for the sake of his soul, and threatens him with all manner of disaster,

to try and bully the truth out of him in the form he wants it. Dunne takes refuge in silence, but finding he is not dismissed and allowed to stand down, he has the hardihood to ask Jeffreys to put the question again.

The Chief Justice with great circumstance complies with his request once more, reminding him of his eternal peril if he fails this time to give some satisfactory evidence.

" If that soul of thine be taken away what is the body fit for, but like a putrid carcase, to be thrust into and covered with the dust with which it was made : therefore, I ask you with a great desire that thou may'st free thyself from so great a load of falsehood and perjury, tell me what the business was you told the prisoner the other man Barter did not know ? "

The August sun had gone down, the Great Hall was growing dark, and they had already placed candles on the table of the Court when Dunne made his last effort to put off the Chief Justice by saying that Lady Lisle had asked him if he did not know that Hicks was a Nonconformist. This was a little more hopeful. The judge took it up.

L. C. J. Did my Lady Lisle ask you that question ?

Dunne. Yes, my Lord ; I told her I did not.

L. C. J. But that is not my question : what was that business that he did not know ?

Dunne. It was the same thing : whether Mr Hicks was a Nonconformist.

L. C. J. That cannot be all ; there must be something more in it.

Dunne. Yes, my Lord, it is all ; I know nothing more.

L. C. J. What did she say to you when you told her he did not know it ?

Dunne. She did not say anything, my Lord.

L. C. J. Why dost thou think that after all this pains I have been at to get an answer to my question, that thou can'st banter me with such sham stuff as this ? Hold the candle to his brazen face !

Dunne. My Lord, I tell you the truth.

L. C. J. Did she ask thee whether that man knew anything of a question she had asked thee and that was only of being a Nonconformist ?

Dunne. Yes, my Lord, that was all.

L. C. J. That is all nonsense ; dost thou imagine that any man hereabouts is so weak as to believe that.

Dunne. My Lord, I am so baulked I do not know what I say myself ; tell me what you would have me to say for I am cluttered out of my senses.

This cry of agony and the very phrase of it, " cluttered out my of senses," is flattering to Jeffreys as a professional expert in " third degree " methods, but a verdict of infamy against him as a judge. Nor did the request to " tell me what you would have me say " suit his Lordship's book. In the Star Chamber, as in the secrecy of a police barracks, when a witness was reduced to Dunne's condition the deposition was easily taken down in the form it was required. But here in open Court, before his brother judges and the Crown Counsel and the public that thronged the Court, Dunne's invitation was to no purpose.

And when Jeffreys' admirers cite his scenes with Dunne as evidence of his power of cross-examination I demur. Even had Jeffreys been counsel and not judge, the cross-examination, if you can dignify the duologue by such a name, was mere bullying and terrorism which produced no result; and the pitiable condition to which it reduced the witness was the hall-mark of its failure, for now whatever the man said no one would believe it was truth. What had really passed between Mrs Lisle and Dunne we shall never know. Skilful and discreet cross-examination might have obtained the real facts, though these might have been something entirely at variance with the evidence Jeffreys was determined to have.

Pollexfen saw this and once again he came to the rescue. Barter was recalled, and Jeffreys having heard some further

statements of his, allows Dunne to stand down for a while, saying to Counsel: "As for this fellow, I expect it from all you gentlemen of the King's Counsel, and others that are concerned, that you take notice and remember what has passed here, and that an information of perjury be preferred against this fellow."

If Dunne had ended his evidence one might not object to the judge handing over the witness to a public prosecutor, though whether Dunne had committed any provable perjury seems very doubtful. But Jeffreys had by no means finished with Dunne, and his instructions to Counsel were of course only a reminder to Dunne of what every Dissenter had heard of with shame and disgust, the horrible torture of Titus Oates a few months before. For, to these people, Oates was not a perjurer but a man who had saved the country for a time from the reign of Popery, with which they were once again threatened owing to the defeat of Monmouth.

Meanwhile Dunne is set down in Court to meditate on these things and Colonel Penruddock proves the arrests, and how Dunne and the fugitives were all found in hiding, and he added that Barter had told him that Dunne had told him that he apprehended the men to be rebels. So Dunne is hauled out again and set before Jeffreys, "a candle being still held nearer his nose."

L. C. J. What do you say to that, Dunne? It seems you told Barter you apprehended them to be rebels.

Dunne. I apprehend them for rebels, my Lord?

L. C. J. No, no, you did not apprehend them for rebels but you hid them for rebels. But did you say to Barter you took them for rebels?

Dunne. I take them to be rebels!

L. C. J. You blockhead, I ask you did you tell him so?

Dunne. I tell Barter so!

L. C. J. Ay, is not that a plain question?

Dunne. I am quite cluttered out of my senses: I do not know what I say.

This repeated misapprehension of the word "apprehension" must have gone perilously near provoking laughter in Court. But the terror and fear of the wretched witness, his pale face illumined by the candle held before his nose, and the tragic fate of the old woman in the dock whose life hung on his words, and whose acquittal every decent human being in the Court fervently desired, probably checked the impulse, since had an hysterical laugh filled the Hall, as sometimes happens, our careful stenographer would have recorded it.

Moreover laughter at or in the presence of Jeffreys, unbidden by him, would have been a dangerous gesture, followed by foul abuse and punishment.

Penruddock and a man named Dowding, one of his assistants, prove very little, and when the latter is put in the box the prisoner wakes to a feminine interest in the man, and rouses herself to say to the Court, or rather to Jeffreys, for no one apparently takes count of the other judges: "My Lord, this fellow that now speaks against me broke open my trunk, and stole away a great part of my best linen; and sure, my Lord, those persons that rob me are not fit to be evidences against me, because it behoves them that I be convicted to prevent their being indicted for felony."

This common-sense view of the matter might have found an echo in the common law mind of some judge or counsel. But those whose judicial oath bound them to help the prisoner heeded it not, and Jeffreys, who noted how prejudicial any inquiry into Dowding's behaviour might be, immediately asked a series of questions about other matters. The poor old lady, failing to get any serious inquest into the fate of her best linen, dozed off again in her chair after her useless intervention in the examination of the witnesses.

It was probably before Dowding gave his evidence that Dunne was taken out of Court. For had he been in Court Jeffreys would certainly have called him up from time to time, as he had done when other witnesses were giving

evidence. It was now that he was consulting with some of the Crown authorities, who were explaining to him what would happen to him if they followed Jeffreys' advice and presented an indictment of perjury against him during the continuance of the Assize.

That this is so cannot, I think, be doubted, for after a considerable time spent in examining Mr and Mrs Carpenter, Mrs Lisle's bailiff and his wife, quietly hostile witnesses who do nothing to further the Crown case, and just as the Crown are about to close their case, up jumps Mr Rumsay, one of the juniors for the prosecution, with the joyful news, "Now, my Lord, Dunne says he will tell all, whether it make for him or against him."

This was Jeffreys' triumph, that by using his power and position as Lord Chief Justice of England, he had reduced this yokel to a state of terror in which he would have said anything he was bidden. But it seems probable that what he did tell the jury was more or less correct, for he said that they had all supped together and that there had been a discourse about fighting and that Nelthorpe's name was mentioned. Upon which Jeffreys assured the jury that he had heard all this before in London. This was almost certainly a falsehood, and in any case was not evidence against the prisoner. And what Dunne confessed did not come to very much, for I doubt if he had much to say upon the really relevant issue in the case, namely, what did the prisoner know of her guest's treason. But to please Jeffreys he said: "I will tell you more of this discourse when I have recollected it, if you will give me time till to-morrow morning."

Doubtless he would, for his new friends would have taught him what to say. But the case had to be finished that night, and it was already very late. Mr Pollexfen closes the case for the Crown, and Jeffreys calls upon the good lady to make her defence in the most insulting and unjust phrases that ever judge addressed to a prisoner.

"You hear," he says, "what is charged upon you and what kind of shuffling there has been to stifle the truth: and I am sorry to find the occasion to speak it, that under the figure and form of religion such practices should be carried on. What have you to say for yourself?"

Mrs Lisle was evidently under the impression that she was charged with harbouring both Nelthorpe and Hicks, but this was not so, she was only charged with harbouring Hicks. He had been continually referred to in the trial as a violent sectary taking an active part in the army of rebellion, and that he had committed actions that might be accounted treason, in the same way that the Jesuit priests and others in the Popish Plot had been guilty of treason, is more than likely. But the question for the jury was what Lady Lisle might have known of him. There was little evidence before them about that.

John Hicks, or Hickes, was a Yorkshireman and came from Moorhouse, near Thirsk. He was a Fellow of Trinity College, Dublin, and taking Orders was appointed to the rectory of Stoke Dameral in Devonshire. At the Restoration he was perpetual curate of Saltash in Cornwall, and was ejected under the Uniformity Act of 1662. During Charles's reign he had taken an active part in obtaining justice for the Western Nonconformists, and his younger brother, George, was at this time Dean of Worcester.

At the time of the rebellion he was residing at Keynsham. He went to the Duke of Monmouth thirteen days after he landed, and there is no evidence that he recruited men for the army. He stated that he believed Monmouth to be the legitimate son of Charles II. and heir to the throne, which very many Englishmen did. I am not concerned to show he was not a traitor. But to this lady living in Hampshire it might well be that what she had heard about Hicks did not make it clear to her mind that he was guilty of treason, though it would be clear of course that he was in danger of some kind. Dissenters in Western England were much like

the early Christians, and following their chosen religion was a dangerous pursuit at any time. The three witnesses who were called were prisoners taken at Keynsham where Hicks was living, and if they said true, he had praised Monmouth and spoken evil of the Duke of York, but Alice Lisle could have known nothing of it. Her defence had best be given in her own words.

Mrs Lisle. My Lord, that which I have to say to it is this : I knew of nobody's coming to my house but Mr Hicks, and for him I was informed that he did abscond, by reason of warrants that were out against him for preaching in private meetings, but I never heard that he was in the army, nor that Nelthorpe was to come with him ; and for that reason it was that I sent to him to come by night : but for the other man Nelthorpe, I never knew it was Nelthorpe. I could die upon it, nor did not know what name he had, till after he came into my house ; but as for Mr Hicks I did not in the least suspect him to have been in the army, being a Presbyterian minister that used to preach and not to fight.

L. C. J. But I will tell you there is not one of these lying, snivelling, canting Presbyterian rascals, but one way or other had a hand in the late horrid conspiracy and rebellion ; upon my conscience I believe it, and would have been as deep in the actual rebellion, had it any little success, as that other fellow Hicks ; their principles carry them to it. Presbytery has all manner of villainy in it, nothing but Presbytery could lead that fellow Dunne to tell so many lies as he has here told, for show me a Presbyterian and I will engage to show a lying knave.

Mrs Lisle. My Lord, I abhorred both the principles and practices of the late rebellion.

L. C. J. I am sure you had great reason for it.

Mrs Lisle. Besides, my Lord, I should have been the most ungrateful person living should I have been disloyal, or acted anything against the present King, considering how much I was obliged to him for my estate.

L. C. J. Oh then! Ungrateful! Ungrateful adds to the load which was between man and man and is the basest crime that anyone can be guilty of.

Jeffreys had interrupted to make two points against the lady—to bolster up the weak evidence that Hicks was in the rebellion, and the still weaker evidence that Mrs Lisle knew it, and to remind the jury that the prisoner was the widow of a regicide and ungrateful to the reigning family for their treatment of her.

The poor thing takes up the question of her loyalty, as to which she says she could have called many witnesses had she been tried in London, and makes it as clear as she can that she had no knowledge of Nelthorpe's previous career.

The Lord Chief lets her waste her few moments of speech on this matter until he hears she has a witness, Mr Creed, who can prove that Nelthorpe never told his name until he spoke to Colonel Penruddock. Whereupon Jeffreys sends the witness away. It is clear that his lordship is tired of the whole business, for he will not listen to Mr Creed and stops his evidence.

L. C. J. Well, this is nothing; she is not indicted for harbouring Nelthorpe, but Hicks.

This, be it noted, had never been explained to the prisoner or to the jury, and Nelthorpe's presence had been constantly referred to.

L. C. J. Have you any more witnesses?

Mrs Lisle. No, my Lord.

L. C. J. Have you any more to say for yourself?

Mrs Lisle. My Lord, I came but five days before this into the country.

L. C. J. Nay, I cannot tell when you came into the country, nor do I not care; it seems you came in time to harbour rebels.

Mrs Lisle. I staid in London till all the rebellion was past and over; and I never uttered a good word for the rebels nor ever harboured so much as a good wish for them

in my mind : I know the King is my sovereign and I know my duty to him ; and if I would have ventured my life for anything, it should have been to serve him. I know it is his due, and I owed all I had in the world to him. But though I could not fight for him myself, my son did ; he was actually in arms on the King's side in this business ; I instructed him always in loyalty and sent him thither ; it was I that bred him up to fight for the King.

L. C. J. Well, have you done ?

Mrs Lisle. Yes, my Lord.

L. C. J. Have you a mind to say anything more ?

Mrs Lisle. No, my Lord.

L. C. J. Then command silence [which was done by proclamation].

Mrs Lisle suddenly remembers a point of law that she had no doubt been coached in, but forgotten, and begs the judge for his patience and advice. The point was that Keynsham, where Hicks was said to have committed treason, was not in the County of Hants. The Lord Chief over-rules her, and after murmuring a few more words she subsides and Jeffreys starts his summing up.

Granted that Jeffreys was in pain from his disease, of which there is no evidence, but it is a constant excuse of his apologists, granted what is still more probable that he had been drinking during the adjournment for supper, his charge to the jury is an absurd medley of extravagant raving at people and principles that he hated. No real effort is made to put the facts and issues of the case before the jury, no proper direction is given them of the law in the matter. It is extraordinary that his four brethren can have sat and listened to his drivelling rigmarole of abuse without protest, but there is no evidence that they left the Court whilst he was summing up, though for any part they took in the trial, except to extend a moral support to a judicial scandal, they need never have sat with him at all. The kind of rambling, irrelevant execrations he indulged in deserve perhaps a short

exhibit. The dissenting ministers are of course his chief topic, and to abuse them effectively he wanders off into a discussion of King Charles I.'s execution, a subject remotely connected with Mrs Lisle through the political activities of her late husband.

" Who did these miscreants, that were justly by law condemned for that barbarous conspiracy, when they came to die, invocate ? The great God, to testify for them that they died for the sake of religion. When they come to suffer for treason they can bless God Almighty for the honour he does them in dying in his cause, and call themselves martyrs for it.

" Nay, is it not yet more strange and horrid that some men, who call themselves ministers of the gospel, shall come to be bell-wethers of rebellion and cry out they are fighting the Lord's battle when they are attempting to kill the Lord's anointed ?

" Jesus God ! that ever we should have such a generation of vipers among us, that can plunge themselves into the most horrid impieties, and yet think to escape confusion here and purchase a crown of glory hereafter."

He refers to the " manifest adultery and uncleanness " of the life of " the arch rebel and traitor " Monmouth, which he says he cannot speak or think of without inexpressible horror ; a point that, looking at the habits of the Duke's father and uncle, seems as wanting in tact as it is in relevance to the prisoners' guilt or innocence.

His sense of the weakness of the case he is advocating against the prisoner—for he never approached the business judicially—is manifest from his dragging in her husband's conduct continuously. " I will not say," he says by way of saying it, " I will not say, what hand her husband had in the death of that blessed martyr, she has enough to answer of her own guilt ; and I must confess it ought not one way or other to make any ingredient in this case what she was in former times."

Again, one is reminded of Mr Squeers. "Rub away as hard as you like, you won't rub that off in a hurry."

Colonel Penruddock's father, who had been tried and executed for holding up Cromwell's judges at Exeter Assizes and threatening to hang them, was a "martyr who died for fidelity to the crown," and the jury were told that the late Lord Lisle was one of the commissioners who tried him. This fact, of course, accounted for Penruddock's zeal against the prisoner, and a judge to-day would have warned the jury that it might prejudice his actions.

Hicks was always "the villain Hicks," and Nelthorpe "the blackest of villains."

At last this judicial blethering comes to an end. Little or no serious effort had been made by the judge to tell the jury the real issue of the case, and to direct them how far the evidence went to prove the prisoner's guilt. But in a few final words Jeffreys assures them that the testimony of her guilt is "as plain a proof as can be given and as evident as the sun at noon day." They are then warned that neither the prisoner's age nor her sex is to move them, and they are to consider their verdict.

On this Mrs Lisle would say a word but is stopped, and a juryman, in the face of the five dumb judges and learned Counsel, raises the vital issue and the real point of law in the case for the first time.

Juryman. Pray, my Lord, some of us desire to know of your Lordship, in point of law, whether it be the same thing and equally treason in receiving him before he was convicted of treason as if it had been after.

L. C. J. It is all the same, that certainly can be no doubt.

This was untrue to the knowledge of every lawyer in Court. Sir Fitzjames Stephen in one passage in his *History of Criminal Law* says the conviction was "probably illegal," and in another place, "I doubt whether on the mere point of law Jeffreys was not right." A question of law that pro-

vokes two schools of thought in one mind could at no period of history have been certainty. But Stephen did not read the case very carefully, for he seems to have thought Dunne was a servant of Mrs Lisle and that Jeffreys' cross-examination was a success.

There was legal authority for the proposition put by the juryman that if a person is indicted by a several indictment as accessory after the fact he shall not be tried till the principal be convicted. Hicks was now awaiting his trial in prison at Salisbury. If the point was a sound one, Alice Lisle was entitled to a verdict of not guilty, and this was the reason it was swept aside.

The best defence that can be made for Jeffreys is that there was no definite law on the matter that could prevent a cruel man acting for a bad purpose giving the ruling that he did. But when the judge said the law was " certain " he was saying that which was not, or he was ignorant of the authorities, and Montagu and the rest of the Bench should, for the honour of English justice, have spoken their minds. Pollexfen knew that the point was probably a good one. He was made Attorney-General and Judge in the next reign, and lived to see the prisoner's attaint reversed by Act of Parliament on the very ground that the prosecution was undue and irregular, in that Hicks was not at the time of the trial attainted or convicted of any crime.

No real consideration was given to this important point and the jury withdrew and stayed out a long time. Upon this happening the reporter tells us that " the lord Jeffreys expressed a great deal of impatience and said he wondered in so plain a case that they would go from the bar, and would have sent for them with an intimation that if they did not come quickly he would adjourn and let them lie by it all night."

But in half an hour they returned, only, however, to say that they were in doubt whether there was sufficient proof that she knew Hicks to have been in the army.

"There is as full proof as proof can be; but you are the judges of the proof, for my part I thought there was no difficulty in it."

The foreman says they are in doubt, the judge says he cannot help their doubts; the foreman says they are yet not clear that the prisoner had notice that Hicks was in the army. This of course meant a verdict of not guilty, which would be a terrible disaster. The judge repeats Dunne's later confessions, the foreman is but half satisfied. And though he had said that there was no charge against the prisoner in relation to Nelthorpe, now when the jury were doubtful about Hicks, Jeffreys deliberately misdirects them by saying, "Did not Dunne tell you there was such discourse and she was by, and Nelthorpe's name was named."

Mrs Lisle tried to say a word to remind him perhaps of Creed's evidence about Nelthorpe that he had cut short. He silenced her saying, "You must not speak now," and concluded with a word of encouragement to the jury.

"Come, come, gentlemen, it is a plain proof."

The jury again retired. Some say that they returned three times and refused to find a verdict, until Jeffreys in a transport of rage threatened them with an attaint of treason. It may be so. Nothing was too grotesque an ending for such a mockery of justice. But accepting the short-hand writer's story, the jury came back but once and then, after a further quarter of an hour, returned into Court with their verdict. The prisoner stood at the Bar.

Cl. of Ar. Alice Lisle, hold up thy hand. Gentlemen of the jury, look upon the prisoner, how say ye. Is she guilty of the treason whereof she stands indicted or not guilty?

Foreman. Guilty.

Cl. of Ar. What goods or chattels, lands or tenements had she?

Foreman. None that we know of.

Cl. of Ar. Look to her jailer, she is found guilty of high treason; and prepare yourself to die.

Then the verdict was recorded.

L. C. J. Gentlemen, I did not think I should have had any occasion to speak after your verdict, but finding some hesitancy and doubt about you I cannot but say I wonder it should come about; for I think in my conscience the evidence was as full and plain as could be, and if I had been among you and she had been my own mother I should have found her guilty.

With which foul boast in the presence of his victim, Lord Chief Justice Jeffreys rose from the Bench and retired to his lodgings, where he and his cronies, Justice Wythens and Baron Wright, could console themselves with their usual potations after a long and wearisome day's work.

Chapter XVIII: *The Reign of Terror*

The next morning, being Friday, August 28th, Alice Lisle was put up for sentence among a small batch of convicted rogues and vagabonds, the ordinary harvest of a summer assize.

Jeffreys used the occasion for characteristic references to the "canting, whining, presbyterian, fanatical profession" of Mr Hicks, and with stupid effrontery endeavoured to obtain from his victim some information that might implicate others. He told her, what was doubtless untrue, that it was "not unknown who were sent for upon the Monday night in order to have that rebellious, seditious fellow to preach to them." This seems to have been pure bluff, for had it been known, these persons would long ago have been arrested. It is unlikely that if Hicks were a rebel flying from the battlefield and Mrs Lisle knew it, she would invite her friends to come and hear him preach. It was probably intended as a hint to Mrs Lisle what he wanted her to do in the way of betraying her neighbours.

Jeffreys then preached a short but edifying sermon to his prisoners and the populace. He beseeched them to learn "from that woman the sad and dismal effects of disloyalty and treason; and from all the rest the deplorable mischiefs that attend licentiousness and debauchery," subjects which Jeffreys was fairly entitled to declaim upon though it cannot be said that his experience proved that they were any hindrance to social and professional advertisement.

After this he passed the legal sentence of the time upon Alice Lisle, which was that she would be drawn on a hurdle to her place of execution and there burnt alive. The rest of the prisoners were to be hanged unless they could claim benefit of Clergy.

This being done, Jeffreys was guilty of probably the foulest act of his life. He called back Alice Lisle and said, "Look you, Mrs Lisle, when I left His Majesty he was pleased to remit the time of all executions to me; that wherever I found any obstinacy or impenitence I might order the executions with what speed I should think best: therefore, Mr Sheriff, take notice you are to prepare for the execution of this gentlewoman this afternoon. But withal, I give you, the prisoner, this information: we that are the judges shall stay in town an hour or two; you shall have pen, ink and paper brought you, and if in the meantime you employ pen, ink and paper and this hour or two well, (you understand what I mean) it may be you may hear further from us, in a deferring the execution."

It was unlikely that anything would come of this disreputable suggestion. Alice Lisle was not the type of person to betray her friends, and it seems very clear she had no confession to make. She had harboured Hicks, and she knew he was a Nonconformist; about Nelthorpe she admittedly knew nothing. The admission of Jeffreys that he and James had discussed the details of the coming execution is interesting.

In the days of their disgrace both these wretches, who had jointly planned the massacre in the West, sought to lay the blame on each other's shoulders. But they were both of them equally guilty in act and intent. They planned this reign of terror for political and financial ends; they shared the plunder and enjoyed the cruelties they committed, and both are equally entitled to the hatred and contempt of mankind.

There can be no doubt that before Jeffreys had left London he and James had discussed the case of Alice Lisle. Her conviction and execution were of great importance to "the campaign." It would put terror into the hearts of the well-to-do Protestants, who were lukewarm in their allegiance to James, and thus enable Jeffreys and the King to squeeze bribes out of any who were rightly or wrongly

accused of offences against the peace, and had money to purchase pardon. It was a list of such persons that the judge hoped to obtain from Alice Lisle. They had at present very few victims of birth and influence in their hands, and "the campaign" as we shall see had several objectives. Vengeance and terrorism were the most important perhaps, but the attractions of loot were by no means forgotten by this worthy pair.

And a most vital reason for the conviction and execution of poor Alice Lisle was that, as daughter of Sir William Beconshaw she was co-heiress of the manor of Ellingham, and this substantial vineyard was coveted by the King in accordance with ancient precedent. Not that James wanted the place for himself, but after Sedgemoor there were a lot of people looking for rewards.

It has always been a pleasant trait in military etiquette, when a victory has been obtained, to reward the general, quite irrespective of his merits or his capacity. Louis Duras, Earl of Feversham, had commanded the King's forces against Monmouth. He was a typical dud general. He was placed in command for social reasons, and his appetites for food and sleep interfered with the movements of the troops and earned for him the contempt of his officers. Even Churchill, whose sycophancy was proverbial, had hard work to keep his pen from the truth in writing about his commander. James would have had difficulty in screwing money out of the faithful commons to reward Louis Duras, but the manor of Ellingham would be a handsome gift for the man, and upon the attainder of Alice Lisle, Feversham was to have it. This was perhaps only a secondary reason for the murder of Alice Lisle; but as far as James is concerned it supplies what the law looks for in such cases, a direct motive. It is pleasant to know that Feversham, who, be it said, was in no way responsible for Alice Lisle's persecution, had but a short tenure of the estate, which ultimately went to Alice's son John, on the reversal of her attainder in 1689.

The brutal and unusual project of burning this poor woman within a few hours of her sentence shocked some of the cathedral dignitaries to such a degree that they took the brave course of visiting the judges' lodgings and expressing their views to the Lord Chief Justice. If he really intended to carry out his judgment it is clear he must have privately notified the Sheriff and Mr Ketch before the trial, as these ceremonies cannot be adequately staged at a few hours' notice. Maybe it was only a cruel bluff to endeavour to obtain information, but none came. Alice Lisle made no use of her pen, ink and paper, and the Chief graciously adjourned her execution until Wednesday. The judges and the Bar then left the city.

Alice Lisle made no appeal to the King for mercy, but she signed a petition in which, on the ground that she was " descended of an antient and honourable family, and related to several of the best families of the nobility of this kingdom," she asked that her execution might be altered from burning to beheading. Her friends, Lady St John and Lady Abergavenny, wrote to Lord Clarendon assuring him of her loyalty and asking him to intercede with the King. But these prayers were useless, and His Majesty's reply was that he had left the matter in the hands of Jeffreys, but if the lawyers could find a precedent he would allow the lady to be beheaded instead of being burned, but that " he would not reprieve her one day."

So on Wednesday morning, a scaffold having been erected in Winchester Market-place, Alice Lisle was brought out and beheaded among a sorrowing crowd of her friends and neighbours. What she said about her trial, in a last message written the day before her execution, is not without interest. " I have been told that the court ought to be counsel for the prisoner, instead of which there was evidence given from thence ; which though it were but hearsay, might possibly affect my jury. My defence was such as might be expected from a weak woman : but such as it was I did not hear it

repeated again to the jury. But I forgive all persons that have done me wrong, and I desire that God will do so likewise."

She especially forgives Colonel Penruddock, though he told her he could have captured the men before they got to the house, and this seems clear from Barter's evidence. She also forgives an enemy whose name she omits, for getting himself transferred from the Grand Jury to the petty jury for the purpose of trying to convict her.

So passed this good woman from a foul world, meeting her end with peace and dignity, finding in death the crown of her life. She had a natural sincerity and a genius of charity that had made her beloved among her neighbours of all classes and creeds. After her execution her remains were given to her daughters, who carried them to Ellingham. You will find the church there much as it was in her own day if you turn off the main road to Salisbury soon after leaving Ringwood. The family pew in which she worshipped is still there, and close to the porch on the south side of the church you may see her grave. It is a plain tomb such as she would have desired, inscribed, "Dame Alice Lisle, Dyed the Second of September, 1685."

At the time, Jeffreys and James were both much pleased with this spirited opening of the "campaign." The judge had gone to open the Commission at Salisbury, and James was busying himself with preparations to come down to Winchester for the races, which he ordered to take place early in September whilst the Bloody Assize was in full swing in the neighbouring counties.

At Salisbury the judges found little business. No glut of prisoners awaited them, nor were there any trials for high treason. A few rebels were fined and whipped for uttering seditious words, and Jeffreys was able to open the Commission at Dorchester on Thursday, September 3rd.

There was a service on Friday at St Mary's Church in the early morning, to which the judges went in state from their lodgings, a building which still stands in the main

street. When the clergyman, in his sermon, alluded to the attribute of mercy Jeffreys was observed to laugh, from which the gentry who accompanied the judges to the church drew the conclusion that the prisoners were already doomed.

The town was crowded with loyal men of birth and position from Dorset, Somerset and Devon, and they walked with the judges and their retinue to the Shire Hall, which was suitably hung with scarlet cloth, for here the reign of terror was to begin. There were over three hundred prisoners awaiting their destiny, and it was obvious their cases could not be all heard even at the length allowed to Alice Lisle. Nor was anything of the kind intended.

Jeffreys made it clear to the Grand Jury that he was there to " breathe death like a destroying angel and to sanguine his very ermins in blood." His charge, vehemently urged and passionately expressed, called upon the Grand Jurors to make inquest of and discover not only actual rebels but all such as were " Abettors, Aiders, or Assisters to the late Duke of Monmouth." To Mr Tutchin, to whom we probably owe the best account of his proceedings at Dorchester, he appeared to be presiding over the Court more as though he were " a Romish Inquisitor than a Protestant Judge."

John Tutchin was a young man of four and twenty at the time of the rebellion. He was the descendant of a long line of Nonconformist ministers, and in the next year he married Elizabeth, daughter of John Hicks, the minister of Keynsham. She was a well-educated woman, and after her husband's death kept a girls' school at Newington Green. That he was an ardent opponent of James and his schemes for introducing the Roman Catholic religion goes without saying, but I see no reason for assuming, as many historians do, that he was a mere scurrilous windbag.

A man who risks his life for a cause, who comes of an honest, God-fearing stock, and who is found living a respectable life, is entitled to have his evidence considered, even though he be a journalist and a Dissenter. John Dunton,

his publisher, thought him in no ways inferior to Daniel Defoe for learning, wit and courage. He speaks of him as a man of virtue, "not cast down in prison nor elated when the world smiles," in a word, "a loyal, witty, honest, brave man." The writings which gave him the epithet "scurrilous," which so generally is attached to his name were, according to Dunton, written by "a bold asserter of English liberties, the scourge of High flyers, the seaman's advocate, the detecter of the Victualling Office, the scorn and terror of fools and knaves, the nation's Argus and the Queen's faithful subject." It is clear that though, like Defoe, Cobbett, Bradlaugh and Stead, his methods of journalism did not meet with the approval of the orthodox and official classes, he had certain merits as a reformer.

From him we learn that at eight o'clock on Saturday, December 5th, the morning after Jeffreys' remarkable charge to the Grand Jury, thirty true bills were found against persons for high treason in aiding and abetting the late Duke of Monmouth. The Lord Chief Justice told these unfortunates that "if any did put themselves on trial and the country found them guilty they should have but little time to live, and that it were better to plead Guilty if they expected any favour."

However they went to trial, and Jeffreys was as good as his word, for he obtained convictions against twenty-nine of them. The case of Mr Matthew Bragge was a hard one. He was an attorney of Chard, who met a party of the Duke's horse. These soldiers impressed him to show them the way to the house of a Roman Catholic, where they went to look for arms. They seized his horse, as well, for the Duke's service, and he took his cane and gloves and walked home to Sadborrow, where he lived. Jeffreys had often boasted that "if any lawyer or parson came under his inspection they should not escape." Bragge had, according to order, surrendered himself at Dorchester, and no one supposed he was in any danger of conviction. He was, however, rapidly convicted,

and though many gentlemen of the county gave him a good character, and especially assured the judge that he was a sound Churchman, he was among those executed on Monday.

Mr Smith, constable of Chardstock, had been made to surrender some of the money belonging to the militia, but he lost whatever chance of acquittal he may have had by his indiscreet criticism of the Crown witnesses. This shocked the judge's sense of decorum, and he bawled out at him from the Bench: "Thou villain! methinks I see thee already with a halter about thy neck—thou impudent rebel! to challenge these evidences that are for the King." His execution was also placed on the Monday list.

An alderman claimed the benefit of the Proclamation for his son who had surrendered within four days, and offered security for his good conduct, only to be told that the judge knew "many aldermen who were villains, and he hoped to beat some fur out of their gowns before he had done with them."

Nor was he above the modern judicial habit of playing for laughter in Court; for when he heard from several witnesses that a poor wretch before him was in receipt of alms from the parish, he prefaced his sentence by saying: "Do not trouble yourselves; I will ease the parish of that burden."

For as Lord Delamere had said many years ago of Jeffreys, when he held the office of Chief Justice of the County Palatine of Cheshire, he behaved on the Bench "like a jack pudding . . . and was mighty witty with the prisoners at the bar," and he lost neither of these attributes in his more exalted sphere. But one thing must be allowed to him; he got through the day's list, though it was only done by bullying and silencing all objectors, and ordering the juries to convict and be quick about it.

That night he returns to his lodging and reports to Lord Sunderland that "I this day began with the trial of the rebels at Dorchester, and have despatched ninety-eight," which was quick work. He must have got a batch of sixty-eight more true bills, and perhaps the judges sat in different courts to

accept pleas of guilty and award sentences. He mentions that he is tortured with the stone, but treats the matter with some humour, ending his letter, "my dearest Lord, may I ever be tortured with the stone, if I forget to approve myself, my dearest Lord, your most faithful and devoted servant."

On the same day that these things were happening in Dorsetshire the good Lord Keeper Guildford was passing away in Oxfordshire. His brother brought the Great Seal to the King that night, a Council was held, and His Majesty resolved to appoint Jeffreys to the office, to show his satisfaction for the way he was carrying on the campaign. This joyful news reached Jeffreys on Monday evening, and he wrote a very proper letter of humble duty and sincere gratitude to my Lord Sunderland. Such a noble prize awarded at such a moment encouraged him to continue the brutal methods which had gained him the Royal approval.

Mr Pollexfen is credited with the authorship of a method of shortening the rest of the work of the Courts, which shows that he was an honest public prosecutor, for I have read that at this period briefs were not delivered to Counsel unless a prisoner pleaded not guilty. And Pollexfen's plan was to send two officers to the prison with instructions to say that those who pleaded guilty might expect mercy. It had this merit, too, from a public prosecutor's point of view, that if a prisoner said he would plead guilty, and then relented and pleaded not guilty, there were two officers who could prove his confession and convict him at once.

This plan proved effective. At the time it was being put in force, the Saturday's convicts were preparing for execution on Monday, the scaffolds were being erected and the prisoners were panic-stricken. The records of what actually happened during the next few days are scanty and divergent. There seem to have been 294 convictions of whom 74 were executed. I am not clear that the latter number includes the batch of executions that took place on Monday.

That the people of Lyme Regis and the district might be

terrorized into loyalty, twelve prominent men were ordered to be carried there and executed on the very spot on the sands, half a mile west of the town, beyond the Cobb, where Monmouth had landed. Among these was Colonel or Major Holmes, an old confidant of Cromwell. He had fought with Monmouth and lost his arm and his son had been killed at Sedgemoor. He went to London and James seems to have given him promise of his life, but later he was sent back to Dorchester to inform, as he thought, the Lord Chief Justice "who was most criminal and who most deserved mercy." This may have been a subtle jest on the part of James, or merely a subterfuge to get the old man to go to his doom voluntarily. Jeffreys had him placed at the Bar and sentenced him to be hanged at Lyme.

The case of young Christopher Battiscomb, whose estate lay between Dorchester and Lyme, was a sad one. He was a Temple student at the time of Lord Russell's business and was seized in London and consigned to Dorchester jail, where he was lying at the time of Monmouth's landing. He must have escaped, if, as is said, he was in the rout at Sedgemoor, and was caught in Devonshire and returned to his prison. He is described as a young man of great charm of manner, and earnest in his religious and political principles, which he had the hardihood to defend in Jeffreys' presence, who railed at him with great barbarity and such excess of rage that he "was observed almost to foam at the mouth." He met his death with great cheerfulness, and as the cart carried him past his old home on his journey to Lyme he cried out: "Farewell, temporal inheritance, I am now going to my heavenly eternal one." Such was the zeal and earnestness of these youths in the defence of their religion.

Before he left Dorchester Jeffreys had Battiscomb brought to his lodgings and made him offers of his life if he would betray some of his neighbours, but this he resolutely refused to do. Many Dorchester ladies of good family pleaded for his reprieve, and one young lady is said to have found her

way into my Lord's presence and begged his life, only to be repulsed with coarse brutality.

The two brothers Hewling, whose executions caused great grief throughout the county, were also among the Lyme victims. They were guilty of treason no doubt, but it was hoped that their youth and good character might have recommended them to mercy. William Hewling was nineteen and at a boarding-school in Holland when Monmouth offered him a lieutenancy. Benjamin was a little older and had commanded a troop of horse, but was bringing artillery from Somerset and did not arrive until the battle was over.

The young men escaped in a boat from the coast, but were driven ashore in a storm, and on July 12th were put in Exeter jail. Here they remained until they were carried to London in *The Swan* frigate and were great favourites with the officers on board. But they were handed over in due course to Captain Richardson at Newgate, who put them in irons.

Their mother's father, Alderman Watkin Kyffin, a London merchant, tried hard to make an arrangement for their pardon. He offered to the London authorities £3000 for their release, but he should have approached Jeffreys himself in the matter, for the Lord Chief was exceedingly wroth at any bargains of this kind being made without his sanction. The young men were carried to the West and William was sentenced at Dorchester, Jeffreys telling him that his grandfather deserved death as much as he did. His sisters tried to approach Jeffreys, and rushed to his state coach to implore mercy for their brother, but the driver lashed them away, and the youth was carted over to Lyme Regis with the rest.

The scaffold for the twelve prisoners was erected, as had been ordered, on the west shore, and a sledge to draw the prisoners across the sands stood waiting as they arrived in carts in the town. But the horses harnessed to the sledge would not stir, and here the simple people declared was a miracle and the hand of God stretched out to save them. Other horses were obtained by the soldiers, and these broke

the sledge, so that in the end the prisoners were unshackled and made to walk to their doom.

The spectators crowded round the guards wailing and sobbing. There was a large crowd of Baptists come to take a last farewell of their aged pastor, Sampson Larke, and the citizens who had flocked to see Monmouth's standard raised for victory now came to mourn over the results of his rash enterprise.

The horrid business of hanging and quartering took several hours. Addresses and prayers were not hindered to the men about to die, and an officer of the Lord Chief Justice was so affected by the cheerful behaviour and earnest prayers of young Hewling that he declared that had his master been present he did not believe he could have suffered him to die.

It was noticed that they did not proceed to the quartering of the remains of William Hewling, and as it is known that his sister Hannah paid £1000 for the remission of this ceremony in relation to her brother Benjamin's corpse, it seems reasonable to suppose that some douceur had also been received by the judge to obtain William's body for Christian burial. The other corpses were cut in quarters, and then dropped in cauldrons of pitch, and later on carried away and hung in appropriate localities.

There is a graphic account of the country-side after Jeffreys had finished his campaign, which paints the horrors of it very vividly. "Jeffreys," says the chronicler, "made all the West an Aceldama; some places quite depopulated and nothing to be seen in 'em but forsaken walls, unlucky gibbets and ghostly carcases. The trees were loaden almost as thick with quarters as leaves; the houses and steeples covered as close with heads as at other times with crows or ravens. Nothing could be liker hell than all those parts; nothing so like the devil as he. Caldrons hizzing, carkases boyling, pitch and tar sparkling and glowing, blood and limbs boyling and tearing and mangling, and he the great director of all."

But it must be said in fairness to others that all this loyal exhibition of human debris and litter cannot be credited to Jeffreys' campaigns. There were the military executions of rebels taken red-handed by the soldiers directly after the rout of Sedgemoor, and there was the earlier campaign of Captain Kirke which rivalled Jeffreys' commission in acts of cruelty and horror.

The cost of all these executions fell, of course, upon the district, and the Sheriff would write to the Mayor of Lyme ordering him to erect gallows and provide halters to hang the prisoners, " with a sufficient number of faggots to burn the bowels of the traitors and a furnace or caldron to boil their heads and quarters, and salt to boil them with, half a bushell to each traitor, and tar to tar them with and a sufficient number of spears and poles to fix and place their heads and quarters." And the mayor had to provide oxen and carts to carry the remains away to their destination and a guard of men to see the work done, besides axes and cleavers and other implements of death. Whatever may be thought of the cruelty of the campaign, one must admire the excellent and energetic organization which enabled Jeffreys to have his orders carried out with punctuality, accuracy and dispatch. Of course, had a mayor failed in carrying out instructions he would have been reported to the Lord Chief Justice and in danger of the gibbet himself.

It therefore seems probable that Hannah Hewling got an order in some legal form entitling the Mayor of Lyme to hand to her the body of her young brother. For certainly William Hewling was carried to his grave in Lyme Regis churchyard, followed by two hundred citizens and many young maidens who mourned the loss of this godly youth. Later on a stone was erected to his memory with an inscription that he " suffered martyrdom before he was full twenty years of age engaging with the duke of Monmouth for the Protestant religion and English liberty against popery and slavery. September 12th, 1685."

When James was nearing the end of his regal career he applied in his trouble to Alderman Kyffin for money, and the old man told him he was incapable of doing any service to His Majesty, and reminded the King with tears in his eyes that the death of his grandsons had given a wound to his heart "which is still bleeding and will never close but in the grave."

When Jeffreys was unable to obtain a conviction for anything more serious than the misdemeanour of uttering seditious words or some such minor offence, he rejoiced in ordering the prisoners to be severely whipped on continuous dates and at various places. He suffered, like many crude natures endowed with supreme power, from a lust or delight in torture. James is credited by Macaulay and other writers with a similar propensity, and when, as Duke of York, he sat on the Scots Privy Council and prisoners were put to the torture of the boot " he not only came to Council when the torture was to be inflicted, but watched the agonies of the sufferers with that sort of interest and complacency with which men observe a curious experiment in science." The psychological enjoyment of the pain and suffering of others is not at all uncommon, and naturally displays itself in persons of selfish and cruel natures who are placed in positions where they can work their will unrestrained by popular disapproval of their indecent conduct. The whole story of the Bloody Assize is only comprehensible when you take into account the unpleasant psychological tendencies of both James II. and George Jeffreys.

There was a woman who kept an alehouse and brewed her own drink and told the Excise officers that " she would pay no more excise till the Duke of Monmouth was King of England," for which crime she was sentenced to be whipped through all the market towns in Dorsetshire ; and that was begun at Dorset and continued at Lyme, but when Jeffreys left the county it was discreetly discontinued.

The case of poor little William Wiseman was even worse. He was a barber's boy at Weymouth, of fourteen or fifteen,

and had, unfortunately for himself, been taught to read. When Monmouth's proclamation was posted in Weymouth some people asked him to read it to them, which the boy did. This was his crime, and Jeffreys ordered that he too should be whipped through all the market towns in Dorsetshire, and the punishment at Dorchester commenced forthwith.

The jailer seems to have operated on the lad with some leniency, upon which the Rev. Mr Blanchard, a clergyman of the Church of England, expostulated with him and said he would " do his business with him with the Lord Chief Justice for shamming his sentence in not whipping the boy half enought." This he probably did, for orders came that the boy should be whipped again next day, and this was effectually done. He was then carted to Weymouth and whipped there, when it is said he fell into a fever and his punishment ended, but whether he recovered his health or died in jail does not clearly appear.

John Tutchin who, indicted under the name of Thomas Pitts, seems to have been acquitted of treason for want of evidence, was brought before Jeffreys later on under his proper name. Jeffreys boasted in his best Squeers manner " that he was never so far outwitted by a young or old rogue in his life," and growing furious at his legal inability to sentence him to death as he was *autrefois acquit*, sentenced him with deliberate joy to " Imprisonment for seven years, and once a year to be whipped through all the market towns of Dorsetshire ; to be fined one hundred marks and find security for his good behaviour during life."

Some ladies in Court burst into tears at hearing of this dreadful torture, and the judge called out to them, " Ladies, if you did but know what a villain this is, as well as I do, you would say that this sentence is not half enough for him."

Even the Clerk of Arraigns was moved to protest to the judge, a brave thing to do, and tactfully mentioned to his Lordship that seeing how very many market towns there were in Dorset, this sentence really meant that Tutchin

would receive a whipping about once a fortnight and added that " Mr Tutchin was a very young man."

" Aye, he is a very young man but an old rogue," replied Jeffreys, " and all the interest in England shan't reverse the sentence I have passed on him."

Tutchin, it is said, petitioned the King to alter his sentence to execution by hanging, but was officially told that he must " wait with patience." An effort was made to buy his pardon, but this failed. It appears he was offered some remission if he would give the names of confederates, but he refused to do so. He would most certainly have been flogged to death but that Providence intervened by striking him down with smallpox a day or two before the first penalty was to be inflicted. Ultimately his sentence was reversed.

Besides the seventy-four victims executed for high treason there were handed over for transportation, ninety-four to Sir W. Booth, sixty to Jerome Nipho and forty-six to Sir Christopher Musgrave. These were either sold or given as a reward to those individuals who could trade them away at a profit.

By Saturday, September 12th, in a short week, the whole terrible series of Dorsetshire tragedies was over and Jeffreys rode away to Exeter where the business was to open on the Monday.

His coach was surrounded by a cavalcade of soldiers, but there was no one bold enough to attack him. The news of his exploits at Dorchester spread like a plague across the land and the poor folk were stricken with fear. Some dared to approach him with petitions in their hands for their relations who were in prison, but they were driven away.

At a house at which he stayed for the night there was some disorder among the judge's servants and a pistol was fired, which so enraged Jeffreys that his farewell to his host the next morning included a promise " that not a man of all those parishes that were of that vicinitude, if found guilty, should escape." With this threat on his lips the red judge drove away to continue his reign of terror in the County of Devon.

Chapter XIX: *The End of the Campaign*

When Jeffreys entered Exeter he was a triumphant general, a legal Cæsar claiming the right of war of a conqueror to treat those whom he has conquered according to his pleasure. The only trial of which we have any complete report is that of Alice Lisle. It is a wonder in that reign of terror how that case came to be reported and subsequently published. There was, as we have seen, some show of legal form about that trial, but afterwards such camouflage was abandoned and Jeffreys opened each new commission as he had at Dorchester, by an assuring threat that an unsuccessful plea of not guilty would be followed by a hurried execution within a few hours of the jury's verdict.

Nevertheless, two bold men, Mr John Foweracres (or Fouracres) and Robert Drower, the first to be placed at the bar at the Castle Court of Exeter on the morning of Monday, September 14th, dared to plead not guilty. Both were found guilty, and to encourage the other prisoners, Fouracres was ordered to immediate execution, and whilst he was being hanged in the Castle yard the rest of the prisoners were placed at the Bar and promptly pleaded guilty. There was but a meagre rally to Jeffreys' roll call. Only twenty-one were sentenced and only thirteen executed, their heads and quarters being distributed about the country.

This latter outrage seems to have been an unwise course. It did not result, as anyone but a Jeffreys would have foreseen, in any large captures of prisoners. Some have thought that Devon was more loyalist than Somerset, but that is very doubtful. Jeffreys left behind a list of 342 prisoners in different East Devonshire villages to be captured for the next Bloody Assize. But the fugitives were well hidden among

their friends and no one was eager to discover them. The local magistracy were sickened at the deluge of blood, and weary of the sight of the mangled bodies of their poorer neighbours dangling by the side of the highway, and there seems to have been an immediate lull in the hue and cry as soon as Jeffreys' back was turned.

Economically, too, these massacres were locally inconvenient. They destroyed a number of useful craftsmen and skilled labourers, and left a large number of widows and orphans on the rates. Then the prisoners in the crowded jails were a heavy charge on the county, and so great was the number of them in some places that new accommodation had to be provided for them. All this expense fell on the county, who found that they were keeping and feeding hundreds of able-bodied citizens in order that the King and his courtiers might ultimately sell them into slavery in the West Indies and pocket the proceeds. To crown all, smallpox and typhoid appeared in the crowded prisons and refused to be confined within their walls. Can one wonder that the men of Devon, typically English, Protestant, and independent of London authority, gave Jeffreys but a poor welcome and stinted him in the supply of fodder for his gibbets ?

We write of Jeffreys as though he was the only judge in the Commission, but of course there were four other judges, though history is silent as to what part they played in the proceedings. It seems unlikely that they merely sat decoratively on each side of their chief, like dumb pot dogs, whilst Jeffreys bullied and raved. It seems more probable that they sat in other courts taking pleas of guilty and uttering sentences. This would necessitate deputy clerks of arraigns and the compilation of different jail books and other circuit records, and would do much to account for the incomplete returns of the mass of criminal trials that were hustled through in the few weeks of the Bloody Assize.

It would also account, perhaps, for the varying fates of the prisoners. I can well understand a Court, consisting of

two decent human beings like Chief Baron Montagu and Mr Justice Levinz of the Common Pleas, listening at least for a few moments to any extenuating circumstances that a poor prisoner could put forward. Whereas Jeffreys sitting with his despicable toady, Baron Wright, or his servile companion of the King's Bench, Mr Justice Wythens, could indulge his foul humours without fear of interruption or rebuke.

To anyone used to the crowded lists of a large assize town, and the methods used to cope with them, the idea of forming second and third courts will seem obvious and reasonable. Jeffreys being in command of " the campaign," his orders would have to be obeyed. But except at the State Trial of Alice Lisle I do not think the judges sat all together, though no doubt Jeffreys picked out any prisoners for his list which for political or financial reasons he desired to try.

There were over five hundred poor wretches awaiting trial at Taunton. The judges and their train had a thirty miles' journey from Exeter to reach the town. They could only have sat for a couple of days at Exeter, but no doubt that was sufficient, as the list was a very short one. They must have travelled on the Wednesday, since it is reported that they sat at Taunton on Thursday, September 17th, and here in three days they wiped off a list of several hundred cases, ordering any remanets to be sent on to Wells for further consideration.

You can see the Great Hall of the Castle in which the judges sat to this day. But you must fill it in your mind's eye with wooden scaffolding and partitions such as used to be set up in Westminster Hall when it was used for great trials. The judges sat, no doubt, at the far end from the Keep, and it is said by local people that the juries were placed in the gallery at the side which has a separate entrance from the courtyard. But I think that it is far more probable that the petty jury stood at the bar as in other places, though perhaps the Grand Jury used the gallery to listen to the judge's charge, and the room behind for considering the bills.

This is an arrangement you find in many courts in the country at the present time.

The Somersetshire Museum fills this wonderful hall with its exhibits to-day, and the curious will find among these treasures interesting prints and relics of the Rebellion and the Bloody Assize.

It was here that poor Simon Hamlyn was sentenced. He was a Dissenter, it is true, but had nothing to do with the rebellion. He lived a few miles outside Taunton and had been into the town to advise his son not to meddle with the rebels nor "concern himself in the matter, but submit to the will of God in all things." He had also once been in the town on a market-day to obtain provisions. He was with many other Dissenters brought in on suspicion and put on his trial before Jeffreys. Any other judge might have listened to his defence, but the poor wretch had little skill or courage perhaps to put it forward, and was rapidly convicted.

It is recorded of Mr Bernard Smith, the Mayor of Taunton, that he had the pluck to intervene and tell Jeffreys that he was sure he was an innocent man, but all that the judge did was to sneer at him saying: "You have brought him on: if he be innocent, his blood be upon you." Jeffreys' apologists try to make out that this or some other magistrate had concocted dishonest evidence against Hamlyn. There seems no evidence of this. The phrase, "You have brought him on," was a typical piece of Jeffreys' humour. The Mayor as justice was bound to commit anyone suspected of rebellion, and the fact that he interceded for the man shows that he wished him no ill. Hamlyn was undoubtedly a man whose life was taken by the judge to satisfy his insane hatred of Dissenters, and the judge's remark to the courageous Mayor is another exhibit of his Sadistic sense of humour. A further effort was made to obtain a reprieve of Hamlyn, and in the State Paper Office an entry of his pardon appeared. But it came too late. Jeffreys was taking no chances, and

according to Mr Woolrych the poor wretch was ordered for execution forthwith.

And that these brutalities of Jeffreys disgusted the old county noblemen and gentlemen who were loyal and Tory to the core, and had an hereditary distaste for any form of political or religious nonconformity, may be understood by the behaviour of Lord Stawell of Somerton, son of old Sir John Stawell, the staunch Royalist soldier, who had risked his life and lost his estates for the late King's cause, and spent ten years of his life in the Tower. Jeffreys had suggested visiting my lord in state, during the Taunton Assize, at his house at Cotheleston near-by, but Lord Stawell returned an abrupt reply that he refused to see him. By way of a humorous revenge Jeffreys ordered Colonel Bovet and another prisoner to be executed opposite Lord Stawell's gateway. Even Mr Irving admits that at times his hero had "an unfortunate sense of humour." But I prefer the opinion of Lord Stawell, who knew the man and saw his misdeeds, to that of any modern apologist, and I admire his lordship's sense of honour in refusing to welcome such a Lord Chief Justice to his house, even though he came into his county as the accredited Commissioner of the King.

Mr Benjamin Hewling, whose younger brother was condemned at Dorchester, came before Jeffreys at Taunton. He was only twenty-one, and for £1000 his sister Hannah purchased the right to bury his remains in St Mary Magdalen Church. Churchill is said to have done something to assist her in her petitions for her brother's pardon. But when she saw him on the matter he told her at once how hopeless was her quest, and placing his hand upon the chimneypiece, he said with emphasis: "The King's heart is as incapable of feeling compassion as that marble." This was the estimate of a shrewd man who had been in the Duke of York's service and was with him in Scotland, where his conduct to those who opposed him was as cruel and heartless as it was to the Dissenters of the West of England. James's defenders would

cast all the blame of the Bloody Assize on Jeffreys. Here again the evidence of men who knew and lived on intimate terms with these tyrants is convincing. Both were equally guilty.

And the tragedy of the whole business was that the young men, who in the flower of their youth were carried away to follow Monmouth by enthusiasm for a great cause, were some of the most promising among the younger citizens in the country. William Jenkins' father, a Nonconformist minister, had died in Newgate where his creed had lodged him. His son is described as a " young gentleman of sober manners, great vivacity and ready wit. He had a happy genius for mechanics and was a good classical scholar." He and some young companions rode down to the West some time before Monmouth arrived and were arrested on suspicion and lodged in Ilchester jail. From this prison Monmouth's army released them and they joined the rebels. There was, of course, no defence to the indictment against young Jenkins. Like the young Hewlings, he died bravely for his cause. Good men of all parties thought at the time that these were cases for mercy. Neither King nor judge knew what mercy was.

Writing to his mother, on the night before his execution, Jenkins said that as to his worldly actions : " I die a martyr for the Protestant religion, and merely for doing my duty, in opposing that flood of Popery, which seemed to be just overwhelming the Church and interest of Christ in these nations." The instinct of these youths as to James II.'s intentions was sound, but their scorn of " the prudentialists of our age," who gave Monmouth no aid but waited for William of Orange, though natural enough, was from a worldly point of view mistaken.

The fate of the schoolmistress, Susannah Musgrave, and " the maids of Taunton," the little schoolgirls who had woven a banner for their beautiful hero, is one of the saddest stories in the history of the tragedy. One of the Miss

Blakes, who actually made the colours, was thrust into Dorchester jail where she died of smallpox. It is probable her other sister was pardoned. The schoolmistress and all the children also had to surrender themselves in Court, for they were part of the loot of the campaign, and their parents were to be forced to pay ransom for them. One of them, a little chit of eight, was brought into the Great Hall of Taunton Castle and placed before Jeffreys, who commenced raving at the child with his accustomed brutality, commanding the jailer to carry her to prison. "This struck such terror into the poor girl that pulling her hood over her face, she fell a weeping; and the jailer removing her immediately out of the Court, she died not many hours after, through fear." The little victim had not died in vain from the point of view of those to whom the schoolgirls had been allotted as loot of the campaign. There is a correspondence extant which shows that these children were a royal gift by the King to the Queen and the maids of honour, and the death of one of them, though diminishing the number of prizes, must have done something to enhance the price of the remainder, and enabled the Queen and her ladies to wring from their parents a higher ransom.

The Duke of Somerset carried on the negotiations for the Court ladies, and he wrote to Sir Francis Warre, Bart., of Hestercombe, to have a list taken of the school children and have them taken into custody. Sir Francis was unwilling to be concerned in so base an affair and told the Duke that the schoolmistress was only a woman of mean birth, and that the scholars who worked the banners by her orders did so without understanding the offence they were committing.

Mr Bird, the Town Clerk of Taunton, scenting costs and commissions, tried attorney-like to get hold of the business, but the Duke did not care to put it in his hands. The Duke, however, assured Sir Francis that the Taunton maids must really find some money, "so," he added, "pray let them know that if they do thus put it off from time to time, that

the maids of honour are resolved to sue them to an Outlawry, so that do you advise them to comply with what is reasonable (which I think £7000 is) for them."

This letter was written in January 1686. It was a dirty business to tackle, and ultimately Sunderland handed it over to James's ill-assorted friend, William Penn, together with a Mr Walden. A Royal proclamation was issued in March saying that His Majesty was graciously desirous to extend his mercy to these deluded young women, if they would only hasten their movements in settling the claims of the maids of honour. What happened is a little obscure. Probably Penn took up the business as a mission of mercy, and the ransoms do not seem to have come to more than half the sum originally demanded. Penn's biographer does not mention the affair, the best account of which is given in Roberts' admirable *Life of Monmouth*.

But that statesmen of repute should be found handling such a foul business for such trumpery ends, and that a Queen and her maids of honour should soil their souls with so base a form of blackmail, throws a light upon the contempt and hatred in which the Court held the Protestant citizens of the West of England.

At Taunton, as at Dorchester, hundreds of convicts were handed over to courtiers, including " to the Queen's order one hundred." Many pardons were trafficked in and sold, according to the wealth of the suitor, for sums ranging from ten pounds to fourteen thousand guineas.

The business at Taunton of convicting all these wretched prisoners was, as far as Jeffreys was concerned, finished in three days; for he writes to the King on Saturday, September 19th, that he leaves for Bristol on Monday, and then comes back to Wells again. The subject on which he was addressing His Majesty was the congenial one of loot, and Jeffreys utters some good sense. James had presented to his friends at Court most of the prisoners, and was proposing to hand over the rest to them. Jeffreys says: " If your

Majesty orders these prisoners to be disposed of as you have already designed, persons that have not suffered in your service will run away with the booty." The use of the word " booty " in a private letter from the Lord Chief Justice to the King is eloquent of their iniquity in planning the campaign.

Jeffreys goes on to remind the King that he had made gracious promises to reward his soldiers and the gentry of the counties who were loyal to him. And he hinted to his Royal master that it would be good policy if he kept those promises, and that it was a waste of the booty he had garnered at the Assize to squander it on lavish presents of convicts to Court favourites.

Some authorities say that from Taunton Jeffreys went to Wells and then to Bristol. This is clearly not so. He drove to Bristol on Monday, September 21st, and delivered his charge the same day. I should suppose he did not bring all his brother judges with him as there was little work to do, the Bristol citizens not having joined in the rebellion. It is said that Jeffreys and his brother Wright dined at Bristol on the 20th, and it seems quite probable that the Chief took his reprobate companion with him on this special jaunt and left the other judges to go to Wells. There were many hundreds of prisoners waiting trial at Wells where, as I think, some of the judges went direct and Jeffreys joined them later.

Bristol had refused to open its gates to Monmouth, but despite this the King desired the abasement of the Corporation which stood stiffly for its rights and liberties. Jeffreys' visit was a political visit. It was a settled part of the policy of James in which Jeffreys had given him valuable assistance to deprive the citizens of the great English cities of their powers granted by charter and enhanced by custom and long usage. The Bristol visit had really little to do with the Bloody Assize, but one cannot but refer to it as it throws an interesting light on Jeffreys' character.

There was at this time a big market for white labourers on the sugar plantations of the West Indies. The magistrates of Bristol, Exeter, and other ports often induced prisoners to escape hanging by begging for transportation. Men were undoubtedly kidnapped in the harbour towns and sent abroad, and that aldermen and magistrates in Bristol and elsewhere made dishonest money out of these practices is most probable. The Commission that was responsible for the Bloody Assize had given the King no less than 850 human beings to dispose of, and these he had given or sold to his friends for exportation to the West Indies.

The whole immoral business had been discussed in the House and severely reprobated. The idea of Jeffreys' apologists that, suddenly hearing what was going on in Bristol, he left the joys of hanging and quartering Dissenters, in a fit of missionary enthusiasm to destroy kidnapping, is pure moonshine. Bribery and corruption were not matters that would rouse the Chief Justice's indignation. But the pleasure of bullying and destroying dissenting aldermen to please his master, James, who had not yet publicly announced him as Lord Chancellor, was worth a long ride over the uneven roads of West Somerset, even though his disease caused him real pain in the effort. As Evelyn says of him, he was "of nature cruel and a slave of the Court," and this it was that sent him to Bristol.

That he was tired, and perhaps drunken, when he took his seat on the Bench to meet the Lord Mayor and aldermen of the City, may be granted to his admirers. But reading his extraordinary speech at length, the impression upon my mind is that the man who uttered it was suffering from a megalomania which was very nearly akin to actual insanity. The report is evidently an accurate and careful one.

The opening sentences to his hosts strike the keynote of the oration. "I am," he says, "by the mercy of God, come to this great and popular city. . . . Gentlemen, I find here are a great many auditors who are very intent, as if they

expected some formal or prepared speech: but assure yourselves we come not to make neither set speeches nor formal declamations, nor to follow a couple of puffing Trumpeters; for, Lord, we have seen these things twenty times before."

He then bursts forth into one of his favourite obscene tirades in which the holy phrases of religion are tangled up with abuse of "accursed regicides." No less than five times, when he is gravelled for lack of wind or matter, does he stutter out the same parrot phrase, "for, I say, rebellion is like the sin of witchcraft." But when he tells the city fathers that "Kings are God's vice-regents on earth and are, indeed, gods on earth, and we represent them," his mental condition and his absurd utterances are not unlike those of many recorded cases of megalomania. Delusions that confer a godhead on the diseased sufferer are very common, and reading this speech it seems that Jeffreys behaved as though he were a border-line case. For the credit of the Bench it is to be hoped he was; and having read all his judicial utterances I am personally convinced that at times he was not responsible for his words or actions.

From the heights of blasphemy he sinks easily into abuse of the silent city fathers who have gathered there to greet him. "Your Tylys, your Roes, and your Wades—men started up like mushrooms—scoundrel fellows—mere sons of dunghill: these men must forsooth set up for liberty and property." Again you find him dropping into the familiar language of Mr Squeers. "Gentlemen, I have brought a brush in my pocket, and I shall be sure to rub the dirt wherever it is, or on whomsoever it sticks."

At the end of this wild and whirring harangue he ordered the Grand Jury to find bills against the Lord Mayor and aldermen for kidnapping, and this being done, ordered them to come to the bar forthwith and plead like common criminals. When the Lord Mayor hesitated to obey, the judge bawled out at him, "See how the kidnapping rogue looks!" and jeered at him in his usual humorous fashion.

All that seems to have been done however, for the moment, was to bind them over to appear to take their trial when called upon by the prosecution. The next day the judge writes an account of his doings to Sunderland. In this letter he says, "I will pawn my life that Taunton and Bristol and the County of Somerset, too, shall know their duty both to God and their King before I leave them." This seems to show clearly that the Bristol visit comes in date between Taunton and Wells and that the Lord Chief now returns to Wells to conclude the business of the Assize.

At Wells there were a large number of prisoners dealt with, of whom 99 were executed and 283 transported. One case which created much comment was that of Mr Charles Speke. He was the filacer for the western counties, the officer of the Court of Common Pleas who files the writs, an office he had purchased for £3000. Jeffreys, hearing of his arrest, obtained a grant of the office from the King before he went circuit. Here he outwitted Sir Thomas Jones, Lord Chief Justice of the Common Pleas, who had a right to the next presentation in ordinary course. Speke's high treason was being at Ilminster when the Duke passed through the town and shaking hands with him. This may have been technical treason, but it was his valuable office that was the cause of his death. Another Speke had been an active rebel, and the major who escorted Jeffreys back to London assured him that Charles Speke the filacer who was left for execution was not a rebel, and begged that some favour might be shown to him. "No, his family owe a life," replied the Lord Chief, "he shall die for his namesake." He was hanged from a high tree in the Ilminster market-place amidst the lamentations of a large crowd of the inhabitants, for he seems to have been a kindly official and an honest gentleman. His brother, Hugh Speke, a barrister, was in prison at the time of the rebellion under a sentence of Jeffreys for sedition. Ultimately he paid the King £5000 for his release and retired from London to Exeter.

The case of Mr Edmund Prideaux of Ford Abbey is perhaps the leading case of dishonest extortion in the Bloody Assize, and typical of the methods of James and his Chief Justice. Prideaux was a political opponent of the Court, but at the landing of the Duke he had stayed peaceably at home and played no part in the rebellion. He had, however, been arrested, carried to London, and discharged by *habeas corpus*.

At Dorchester, Jeffreys had respited two men named Dare and Malacke, who had agreed to accuse Mr Prideaux, and His Majesty directed his secretary to thank the judge for his careful discretion in the business. Prideaux was now arrested and thrown into the Tower. Lady Churchill made an application to His Majesty for his release. It may surprise some to find the Churchills interesting themselves in the fate of the rebel families, but it must be remembered that Churchill was born at Musbury in Devonshire, only seven or eight miles from Ford Abbey. Edmund Prideaux, the elder, Cromwell's Attorney-General, had bought the place and built a large house there, and Winston Churchill, John's father, lived at Ash House, two miles south of Axminster. Though the two men were opposed in the Civil Wars, readers of Dorothy Osborne's letters will understand how in the years just before and after the Restoration county neighbours of different political views called upon each other and met in social life ; and that the Prideauxs and Churchills did not speak to each other after the Restoration when they met in Axminster on a market-day is highly improbable. It is far more likely that they were as friendly neighbours as the Lukes and the Osbornes were in Bedfordshire.

Lady Churchill's kind intervention, however, came to very little, for she received the curt intimation " that the King had given him to Jeffreys." There was much bargaining over the price of his life, and ultimately it is said that his wife was blackmailed of £15,000, with a discount of £240 for cash. This was probably the highest price paid for an innocent life during the Bloody Assize.

Mr H. B. Irving says that Jeffreys' spoils were £1416 from the Crown Solicitor, the Chancellorship and Prideaux, but I should suppose he got some other pickings. At all events he was now enabled to buy from the Duke of Albemarle two estates of Dalby on the Wolds and Nether Broughton in Leicestershire for £34,000, and there seems reason to believe that the bulk of this money was his share of the loot in the campaign.

The question of the number of victims of the Bloody Assize is necessarily one that cannot be answered with mathematical accuracy. Mr Inderwick, who examined some circuit records, called the jail books, in 1888, came to a different conclusion to any other writer, but his results depend on the completeness of the records he was reprinting. Whilst we must be grateful to him for his information and research, it does not to my mind prove that all the historians of the past are the narrators of a myth.

Mr Inderwick does not refer to the researches of Sir James Mackintosh, who wrote his *Review of the Causes of the Revolution of* 1688 at least a hundred years ago.

He, too, "by favour of the clerk of assize" had before him the original records of the circuit, and studied carefully the accounts and estimates of the figures given by Lord Lonsdale in 1688, as well as those in *The Bloody Assizes* in 1689, and the contemporary accounts of Roger Coke, Oldmixon and Bishop Burnet.

Quite recently the *Calendar of the Treasury Books* 1685-1689 has been published. This gives a list of convictions prepared by the judges to enable the Treasury to collect and distribute the loot of the campaign. Readers interested in these statistics should read a masterly essay on the whole subject of the numbers of convicts and executions in *The Times Literary Supplement*, July 12th, 1928.

The writer quotes with approval the figures given by Tutchin and his friends in *The Western Martyrology*, since, he says, they " may be supposed to have known something about

the number actually hanged, though the rest of their work was mainly fiction." I confess that I, too, have been struck by the careful statements of the compilers of *The Western Martyrology*, and believe that these figures were honestly estimated and are certainly not wilfully exaggerated against their enemies. They vary, I believe, in different editions. In the 1705 edition the numbers executed in Somerset alone are given as 239, and in Dorset "about eighty," and that is probably correct.

Whatever were the numbers, there is no evidence that many ordered for execution were pardoned, and we find Jack Ketch and his assistants were kept busy at their work until at least December 8th, when executions took place at Minehead, Dunster, Porlock and Dulverton, and also at Bristol of six prisoners left under sentence at Wells.

Sir Charles Lyttelton, who was colonel of Prince George's regiment about this time, was sent down to Taunton to keep order, and writes very frankly to Lord Hatton about the local complaints of the violence of "his predecessors," both as to persons and goods. He had been through the Civil War and had never seen such horrors. "I cannot but believe," he writes, "we shall hear more of this when parliament meets; and of the execution of so many of the traitors here, eighteen at one lump, and all quartered, and more every day in other parts of the country, which will be to the number of near 300; and most of their quarters are and will be set up in the towns and highways, so that the country looks, as one passes, already like a shambles."

This was written on October 7th, a month after the Assizes were over, and two months at least before the executions were finished. It was written by an officer and a gentleman in the King's service who had no sympathy with the slain, who, he thinks, were "far from deserving any pity." He was in an official position and would know the official estimate of the total executions, nor is it likely that anyone at that date would desire to exaggerate them. His estimate

is "near 300." Macaulay's was 320. Roberts says 331. I see no reason to doubt the substantial accuracy of their figures.

Without a volume at my disposal, in which one could set out all the existing tables and estimates and critically examine and compare them, it would not be possible for me to set down my reasons for accepting the figures given by contemporary chroniclers and the earlier historians.

From my own researches I am inclined to agree with the verdict of H. B. Irving, an advocate for Jeffreys, who I know made a careful survey of the evidence. He came to the conclusion that the figures given in Roberts' *Life of Monmouth* were the most trustworthy, and I humbly agree with his opinion. I have therefore set out Mr Roberts' estimate below.

A Summary of the Numbers who suffered at the Bloody Assize

	Executed	*Transported*	*Fined or Whipped*
Hampshire	1	—	6
Wilts	—	—	—
Dorset	74	175	9
Devon	13	7	13
Somersetshire			
(*a*) Taunton	144	284	5
(*b*) Wells	99	383	—
	331	849	33

All this work was completed by the five judges in about four weeks, and in this must be included the Sunday holidays, the time spent in travelling, and the Bristol sittings, which are not included in the above estimate. Truly no one could complain of the law's delay, and the judges at the end of September returned to London, satisfied with their work and

in the certain hope that they would be received with honour and gratitude by the King.

On September 28th, His Majesty "taking into consideration the many eminent and faithful services " which we have detailed above, committed to his Chief Justice the custody of the Great Seal of England. This fact alone should silence the apologists of James, who seek to throw all the blame, for the cruelties that were perpetrated, on the agent rather than the principal.

On Saturday, October 3rd, the King received all the five judges publicly at St James's, and they kissed His Majesty's hand and received his thanks. That was the formal end of the Bloody Assize as far as Jeffreys was concerned, but the campaign did not end for many months. There were hangings, drawings, quarterings, and whippings yet to be inflicted, there were transportations to be carried out, and there were fines and sequestrations to be enforced, commuted and negotiated. There was plenty of good paying business for the lawyers and loyal harvesters of blackmail. And though Jeffreys, to the joy and relief of the community, was removed to a sphere where he could commit less direct outrage and cruelty on the weak and the poor, he had set an example of the methods of obtaining judicial promotion from a Catholic king, which the creatures he had favoured, promoted, and left to carry on his work were not slow to follow. The destruction of Dissenters and Whigs found favour in the sight of His Majesty, and the King's Bench was still occupied by men ready to do " eminent and faithful services."

Chapter XX:
Rex v. *Elizabeth Gaunt and others*

The effect of the Bloody Assize was supposed by political experts to greatly strengthen the position of James and the Tories. The Bishops and their more servile followers openly rejoiced that the "Dissenting Rebellion," as they called it, had been put down. Dr Lamplugh, Bishop of Exeter, who was somewhat of a Vicar of Bray, and in his day had been "a great cringer to Presbyterians and Independents," called upon the Devonshire clergy to read a Tory manifesto, compiled by the county magistrates, to their congregations. In it their dissenting brethren are spoken of as "a pestilent faction of impenitent, hardened sectaries, schismatics and rebels." The Catholics naturally rejoiced, and must have been vastly entertained at the credulity of their Anglican allies in accepting the soft words of the King and hailing him as a defender of the faith of the Established Church.

Fortunately perhaps for the advance of civilization, the political gambler—especially the ecclesiastical zealot—never fails to put his money on the wrong horse. That so many sensible men of sound learning and religious education, with the history of the Christian religion in their libraries, should have thrown in their lot with the persecution of dissent, and a policy of cruelty to the weak, which was bound to raise a national hatred in the minds of the people against its authors and agents, would be surprising, if it were not an historical commonplace.

H. B. Irving points out that the conduct of the Nonconformists "tended rather to exasperate their judges," and here I think he is right. But a wise statesman would have been the more careful not to be led by annoyance into the

stupidity of excessive cruelty. Jeffreys and Sunderland thought otherwise. They had many precedents to justify their deeds, notably that of Pliny the Younger, who, writing to Trajan, reports: "The method I have observed towards those who have been denounced to me as Christians is this: I interrogated them whether they were Christians; if they confessed it I repeated the question twice again, adding the threat of capital punishment; if they still persevered, I ordered them to be executed. For whatever the nature of their creed might be, I could at least feel no doubt that contumacy and inflexible obstinacy deserved chastisement." Except for the superior dignity and courtesy of the pagan judge, his principles and procedure seem to coincide with those of the Christian Lord Chief Justice of the reign of James II. Governors and rulers of mankind seem incapable of grasping the elementary political proposition that the blood of martyrs is the seed of churches.

At all events, in October 1685, Jeffreys having been raised to the highest place in the legal hierarchy for his eminent services in the West to his King and country, we need not be surprised at the servile judges who remained on the Bench competing with each other for the glad eye of their master. The campaign of the West was to be carried on in London where there were old scores to pay off against Whigs and reformers, and a hostile mob of lower classes to be terrified into good behaviour.

The judicial murder of Alderman Cornish may be excused as part of the political procedure of the time. There was the added temptation in his case, that he could be both executed and plundered as well, for his wealth was not protected from forfeiture by entail. He was a Whig with a leaning towards nonconformity, and he had deeply offended James and his brother by his independent conduct.

There was a man named John Rumsey, one of the Rye House Plot conspirators, who was ready, after the manner of Titus Oates, to swear that anyone was a party to the con-

spiracy, but his oath alone was worthless, and as there was no real evidence that Cornish had committed any treason, it was difficult to supplement it. But now they had another witness to put forward in a wretch named Richard Goodenough, an attorney who had been under-sheriff to Cornish and was no friend to him.

Mr Goodenough, like his colleague Nelthorpe, had been outlawed in connection with the Rye House Plot. He had joined Monmouth, who appointed him his secretary of state. After Sedgemoor, he and Wade, the infantry officer, and Robert Ferguson, escaped together and reached the Bristol Channel coast, where they tried to get a boat. But a frigate was cruising about in the Channel and no one dared to help them. They then separated. Ferguson reached Holland in safety and continued his career as a plotter, taking the pay of various parties ; but Wade and Goodenough were captured, and carried to London, where both agreed to turn King's evidence to save their lives.

Goodenough was a more skilful perjurer than Oates, and he had every assistance that Mr Justice Wythens could give him. As he was an outlaw, the Crown had to give him a pardon before they could use him as a witness, and this was willingly done, for James was determined to destroy Cornish. Rumsey was the other witness, and Wade was kept for the trial of Lord Delamere, which was fortunately a complete failure, his peers unanimously finding a verdict of not guilty. Goodenough's evidence was sufficient to hang Cornish, whose trial took place on the same day and in the same court as that of Elizabeth Gaunt, in which an even meaner scoundrel than Goodenough gave evidence. This was a fugitive named Burton, who saved his life, not perhaps by perjury, but by betraying a woman who had helped him to escape from his pursuers.

This poor woman's story is perhaps even more pitiable than that of Alice Lisle. Elizabeth was the wife of William Gaunt, a yeoman of St Mary's, Whitechapel. Like the

members of the Oates family she was an Anabaptist, a sect much detested by Anglicans, Tories and Royalists. She was well known at Wapping, and in the east of London, as a woman of a godly and charitable disposition. She spent much of her time in visiting the poor of all persuasions, and often entered Newgate and other prisons to minister to those in distress. She was indeed the forerunner of Elizabeth Fry, who, in 1813, began her missionary efforts to women prisoners. But this good lady was enabled, not without difficulty, to enlist the sympathies of sheriffs and jailers in her good work. Mrs Gaunt did her work without any sympathy or official assistance.

At the beginning of the last century we know what the condition of Newgate was on the women's side. There were two wards and two cells, into which some 300 women were huddled together, some awaiting trial, others awaiting their removal to the transportation ship, or the gallows. Here they lived with their children, doing all their cooking and washing and eating and sleeping. As many as 120 slept in one ward, most of them without so much as mat or bedding of any description. The surroundings were indescribably filthy and disgusting. Such of them as had any money could obtain what drink they wanted, and the place resounded with obscenity, imprecations and licentious songs. This is what Mrs Fry found in her day, and it was, if possible, worse in the time of Mrs Gaunt. But both these good women made it their duty to visit their sisters in distress, and one might have thought that men like Sunderland and the King need not have gone out of their way to outrage public opinion by the wholly unnecessary persecution of Mrs Gaunt.

It appears that at the time of the Rye House Plot, when many were in fear of arrest, she had entertained a refugee named James Burton, who was a fugitive looking for a ship, and she had given him money and helped him to fly to Holland. Burton was at the time outlawed, with Nelthorpe and Rumbold and the rest of the plotters, so that if Mrs

Gaunt had knowledge of this fact she was, like Alice Lisle, an accessory, but as far as the evidence went her action in the matter was prompted, like Alice Lisle's, by a spirit of charity rather than by any political motive. However, Burton, having thus evaded his fate and got to Holland, threw in his lot with Monmouth, and came over with him and Nelthorpe and took part in the rebellion. He, too, was at Sedgemoor, and fled to London, where he took refuge in Whitechapel in the house of a barber, who was also a constable, named John Fernley. Here, he says, he was arrested on Sunday, August 2nd, and Fernley was indicted as a traitor for harbouring Burton on August 20th, knowing him to be a traitor. As August 20 is not a Sunday, 20 may be a misprint for 2, and the dates given by Burton in evidence are correct, but it is no great matter.

Elizabeth Gaunt was indicted for being guilty of treason against Charles II., by conspiring with others to rebel against the Government and kill the King, etc., but the gist of her offence was harbouring Burton. It is indeed hard to understand why any government officials should have preferred to destroy two comparatively innocent people like Fernley and Elizabeth Gaunt, and to save the life of a wretch like Burton, a persistent rebel, a coward and poltroon, ready to swear anyone's life away to save his own skin. But we must remember that the Government of the day thought the Bloody Assize was an exhibition of strong government. There was certainly, to use a modern statesman's phrase, "no damned nonsense about it." The collection at the Old Bailey of Alderman Cornish the Whig sheriff, William Ring, a rebel, and John Fernley and Elizabeth Gaunt, accessories, and the conviction and sentencing them all to be executed on one day, was a miniature Bloody Assize in itself. Officially it was considered a master stroke of political terrorism that would do much to bring the Whigs and the lower-class Dissenters in London to a wholesome fear of the law.

October 19th, 1685, was fixed for these trials. And on

that morning the four prisoners were arraigned at the bar of the Sessions House in the Old Bailey. The judges were the Recorder, Sir Thomas Jenner, Lord Chief Justice Jones, Lord Chief Baron Montagu, and Mr Justices Levinz and Wythens. The last three had taken part in the campaign in the West. Baron Gregory also took part in the trials. Cornish put up a good fight for his life, but there was never a chance that he would be acquitted with such judges on the Bench at a time of political unrest and party domination. But for the sacrifice of the lives of Fernley and Gaunt and the eagerness of the judges to compass their destruction it is difficult to find any reasonable excuse.

Fernley was the first to be tried, and of course the chief witness against him was Burton, who was called by Roger North, the late Chancellor's brother. He was one of the counsel who had been briefed in the Western Circuit cases. Burton's story was that on his escape from Sedgemoor he reached London and went to his wife's home, where he stayed two nights, and she, being in fear of his arrest, went to Fernley's house to get him a lodging there, and, on Sunday, August 2nd, according to his dates, he was arrested. He swore that he never saw Mr Fernley, the prisoner, until Sunday at dinner time. Finch, the Solicitor-General, and Mr North, his junior, left the matter there. But the prosecuting judges, after the manner of Jeffreys, began to cross-examine the witness and brought out the fact that Burton had been away two years, because he had been in a proclamation for being in Rumbold's company at Aldgate. The jurors, of course, knew of Rumbold as the arch-villain of the Rye House Plot.

Levinz discovered that Burton formerly lived near Fernley, and Wythens scored a point by getting him to admit that they discoursed upon the army and the rout at Sedgemoor, and said he might have told Fernley he was there, but that probably Fernley knew it from others.

Mrs Burton was then called. She had been at the Sunday

dinner but could not remember the discourse. Her story was that having acquaintance with Mrs Fernley, who was a kindly young woman with children, and a neighbour who allowed her to dry her clothes in her yard, she had asked her to take her husband in for a night or two. She could give no reason for turning her husband away from his own house, but she said it was arranged between Mrs Fernley and herself, and she had not spoken to Fernley about it.

Mr Reynolds, who arrested him, was then called. The authorities had news of several suspected persons lurking about Wapping, and the Lieutenant of the Tower had issued a warrant for their arrest. Armed with this, on Sunday night at eight, Reynolds went to Fernley's house and searched it. In a room up one pair of stairs he found Burton up a chimney, and he fell down with all the soot about him. Mr Fernley was in a room above at the time.

Reynolds called him down and said, "Mr Fernley, how came you to harbour Mr Burton that is in the King's proclamation? He is a traitor, you know." To which Fernley replied, "I did not know it was Mr Burton; but my wife desired me to be out of the chamber where I lay before, that a friend of hers might lie there for two or three days."

On which Mr Justice Wythens commented, in the style of his master, Jeffreys, "He was very friendly to lie out of his own chamber for him."

When Reynolds got Fernley to the Tower he repeated the statement that he did not know it was Burton.

The Solicitor-General then closed his case by formally proving that James Burton, who was outlawed at the time of the Rye House Plot, was now duly pardoned, so that his outlawry being discharged he was a legal witness.

Fernley's account of the matter was that Burton was taken in by his wife when he was from home, and he returned home at Sabbath at dinner time and asked him, "What in the name of God brought him there?" "It hath pleased God," said he, "to preserve me hitherto; and my wife

interceded so far as to procure me a night's lodging, which I hope may be no detriment to you." "I wish it may not," said I; and at dinner I asked him how he made his escape. And he told me how he did escape. Says I, "What do you mean to do?" Says he, "Some friends will procure me a passage beyond sea."

Now Fernley was a constable, and he explained that when he found out that his wife had brought Burton into the house, he knew there was a reward of £100 on his head, and he intended in the morning to go to a Justice of the Peace and have him apprehended, but that Reynolds came in as he described and took both him and Burton to the Tower. He had never heard of his outlawry, which was very possible, and he explained that he was but a poor man but loyal to the King, and there was no reason why he should conceal Burton and bring ruin upon himself and his family. Burton had given no evidence of any bribe or of any special friendship with Fernley which would have amounted to a motive for his actions, nor had they even proved that Fernley was a Dissenter, and he himself says he had been to church that Sunday morning.

The prisoner called a Mr Rush, a distiller, to prove his loyalty. When he had started his evidence, an Officer of the Court interrupted him, saying to the Bench: "He is a very great Whig."

Justice Wythens broke in with the remark, "If he be a Whig he cannot be a little one," and doubtless scored the usual "laughter in Court." Rush continued that Fernley was a barber and used to trim him. "I always looked upon him to be a good sober man."

"A Wapping-man! A sober Wapping-man!" jeered the irrepressible Wythens.

"I hope there are a great many there," replied Rush, nettled at the judicial insults.

Wythens had learned, from his friend and master, Jeffreys, how to pour ridicule on to honest statements, but he could not as yet terrorize witnesses into silence.

Rush had done little good to his friend, and when Fernley asked the officer to call two other witnesses, Captain Haddock and Mr Dove, who would speak to his loyalty, the officer said that these gentlemen were outside, but he could not persuade them to come forward. But a plumber named Whittal had the pluck to stand up for his friend, and as he was known to the Clerk of the Peace and swore that he went to church, and that Fernley also was a regular church-goer, his evidence might have served had not Wythens commented to the jury, "There were a parcel of them that went to church trimmingly"; which indeed wise citizens have done in all ages.

Sir Thomas Jones, the Lord Chief Justice, now summed up. He asked the jury to believe that as Fernley had not immediately carried Burton off to a magistrate and claimed the £100, it was a "strong argument that he was deep in the rebellion himself, and one in great esteem with them, that being a poor man, he would not do his duty," and he ended his address by telling the jury they ought to find him guilty.

The jury now retired to consider their verdict, and a new jury being sworn, Elizabeth Gaunt was placed at the Bar. The new jury had, of course, been in Court listening to Fernley's case, and the Solicitor-General in his opening reminded them of how, in the former case, evidence had been given about Mrs Gaunt's husband calling on the Fernleys to inquire about Burton, and said they would now hear that the prisoner and her husband were "the great brokers for carrying over such traitors as my lord Shaftesbury and others; these have taken care to convey them over at all times." Now whether the statement that the Gaunts were engaged in any wholesale trade of assisting Whig fugitives across the water was true or false, it was most improper for the Crown Counsel to suggest it to the jury unless he had evidence of it, which it appears he had not. There was no disloyal act proved against Mrs Gaunt except that she harboured Burton, and that was treason only if she was aware that he was in the proclamation.

Burton was again put forward and gave the story of his dealings with Rumbold and a man named Keeling, and his meeting them at the Mitre Tavern, Aldgate, in relation to the matter of the Rye House Plot, and of a conversation with them about killing the King. Mr Keeling, however, made discovery of these things, and so Burton's name got in the proclamation and he had to fly for his life.

His story was that he remained in hiding with his daughter who was a widow, and that Mrs Gaunt came to the house and gave him information about a boat sailing for Holland in which the Rumbolds were going. The vessel turned out unseaworthy and the party returned to London.

After a month or two Mrs Gaunt came again with news of another ship on which he might travel.

" How came Mrs Gaunt to take so much care of you ? " asked the Attorney-General.

" She might think I knew something of her husband if I should be taken."

" What had her husband done ? "

" Her husband, I suppose, knew something of the business."

" What business ? " insisted Mr Attorney.

" About seizing the Tower," replied Burton, and he detailed an interview with Captain Walcot and Gaunt about the Tower.

But he would not say that he had any talk about plots with Mrs Gaunt, but insisted that her reason for helping was that " I knew her husband was concerned."

If that is true it looks as though Mrs Gaunt was chiefly concerned about her husband's safety, and had a shrewd suspicion that Burton was a rascal who, if caught, would save his own life at another's expense. And though the counsel and judges tried to get Burton to swear he discussed the plot with Mrs Gaunt, he would not do so, and would not say further than that she must have known he was in the proclamation because everyone knew it. Jeffreys would have

done better with him and would have enjoyed giving the rascal a rough lick with his tongue.

They then called Mary Gilbert, Burton's married daughter, but could get nothing out of her since, as she said, "I never heard a word of the discourse that passed for I always went out of the way."

"You are upon your oath, mistress; you must tell the truth," said the Common Serjeant.

"I do, sir," replied the young woman curtly. "I will do no more." And after a while, when they found she was a match for them, she was allowed to stand back.

Mrs Burton was next put forward. She thought Mrs Gaunt knew about the proclamation, but swore she had no discourse with the prisoner about the reason of her husband's going away nor of the proclamation.

This made the Lord Chief Justice Jones somewhat uneasy, so he begins to cross-examine the prisoner.

L. C. J. What say you, woman, to this evidence? Several witnesses say you were very busy in contriving the escape of Burton? What was the reason why you would send him away?

Mrs Gaunt. I did not contrive to send him away.

L. C. J. The woman says so, Burton says so, the daughter says the same.

Mrs Gaunt. Where, sir?

L. C. J. At Bishopsgate or Houndsditch.

Mrs Gaunt. I deny it.

L. C. J. And you gave him money afterwards.

Mrs Gaunt. Who saw me give it him?

L. C. J. He swears it.

Mrs Gaunt. He was the more beholden to me.

L. C. J. Did you or did you not?

The prisoner muttered something and Captain Richardson, her jailer, who stood by said: "She says she is not come here to tell your Lordship what she did."

Doubtless she had received the sound advice that it was

the business of the Crown officers to prove her guilty, for though she was further cross-examined, she denied that she knew her husband was concerned in any plot, and repeatedly said she would leave the matter to the witnesses and the judges, and had nothing to tell them.

The Lord Chief Justice in summing up said: "It is true there is no direct proof that there was any particular mention that Burton was in the proclamation for that treason," but he rules that it is enough that the Burtons say they "verily believe" she knew; and that, coupled with her refusal to criminate herself, shows that she was "zealous to maintain the conspiracy." He concludes by saying that if the jury believe that "she did know or believe Burton to have been guilty of that treason," then they ought to find her guilty.

Of course no legal point was raised in either of these cases that, though his pardon made Burton a good witness, the fact that he had never been attainted made a charge of receiving and comforting incapable of legal support. The point had been waived aside in Alice Lisle's case, and doubtless would not have been seriously considered by the judges of Mrs Gaunt.

The jury at the end of the Chief Justice's address wanted another word with the witness Burton, and as he could not be found, whilst he was being sent for, they went on before the same jury with Cornish's case.

Whilst that was going on Burton returned and a few questions were asked about the money she had given him, and he said the £5 was a gift of charity, and this was what he had said before. They then proceeded with Cornish's trial.

When this was over the jury went away, and after a considerable absence they returned into Court. Mr Cornish wanted to call more evidence, and there was a wrangle about it. Then Mrs Gaunt was called upon to hold up her hand, but she too wanted to have a further say. Wythens at once said it ought not to be done, and Mr Recorder on the other

hand thought she should have as good a chance as Cornish. However, all the judges now coming into Court again, it was decided to take the verdict without allowing her to call witnesses.

The Clerk told her to hold up her hand, and when she would have made a final appeal to the judges to hear her, Captain Richardson, her jailer, held up her hand for her, that they might bring the matter to a speedier end, and the jury found her guilty.

Cornish then occupied their time for a further hour or so, and then gave up the unequal contest and was found guilty. Elizabeth Gaunt was the first put up at the Bar for sentence, which was delivered by the Recorder. He had the good taste to add no discourse to the horrible duty the law called upon him to perform, and in the cruel phrases of the law directed that she should be " carried back to the place from whence you came, from thence you are to be drawn upon a hurdle to the place of execution, and there you are to be burnt to death."

" I say this woman did tell several untruths of me," said the prisoner.

" Is that all you have to say ? " asked the Recorder.

" I do not understand the law," she answered pitifully, and was carried away from the Bar.

The Recorder then proceeded with the usual sentence of the three men.

Ring was reprieved, but the other sentences were carried out. Alderman Cornish's execution was planned with insulting pomp and circumstance to take place on Friday, October 23rd. Mr Trevelyan fairly sums up his treatment by his enemies when he says: " In the spirit of the hour Cornish, one of the most influential and honourable of the Whig merchants of London, so bitterly hated by the Court, was singled out and murdered on a false charge of treason." The scaffold was erected by special order on the spot where King Street meets Cheapside, in sight of his own house, the

Guildhall, and the Exchange. James had a penchant for these ghoulish incidents of terrorism, though in this case he had not the political excuse that such cruelties were committed for the education of ignorant Dissenters. The Alderman had lived, as he died, "a Protestant in the communion of the Church of England," and a little forethought might have shown the King that it was not wise to warn the members of that Church what the discipline of a Catholic king would be when the time was ripe for the total extinction of all pestilent heresy.

This good man died for the cause of English liberty, as Sidney and Russell had died before him. His body was mutilated and his head was placed over the Guildhall, but out of belated courtesy, or perhaps as was more customary for value received, the quarters of his corpse were delivered to his executors for burial in the Church of St Lawrence. It is said that King James afterwards expressed the view that " he believed that he had hard measure," but I confess that the King's afterthoughts in exile have never seemed to me worthy of very serious attention.

And on the same day that this was enacted in the City, a still more terrible tragedy was carried out at Tyburn. Elizabeth Gaunt had spent her last hours on Tuesday evening in Newgate writing to her friends. Her resignation and the faith she expresses are typical of the woman's sincerity. " Not knowing," she writes, " whether I should be suffered or able, because of my weaknesses that are upon me through my hard and close imprisonment, to speak at the place of execution, I write these few lines, to signify I am well reconciled to the way of my God towards me, though it be in ways I looked not for, and by terrible things, yet in righteousness; for having given me life, he ought to have the disposing of it, when and how he pleaseth to call for it ; and I desire to offer up my all to him, it being but my reasonable service; and also the first terms that Christ offers, that he that will be his disciple must forsake all and follow him."

And what she says of her trial is very true, for Mr Justice Wythens, Jeffreys' jackal, challenged his master's record for bullying, and when the Recorder was for ruling that she might say more and call witnesses as Cornish had been allowed to do, Wythens, as we have seen, entered his caveat and called for her conviction.

" As concerning my fact, as it is called, alas ! it is but a little one and might well become a prince to forgive ; but he that sheweth no mercy shall find none : and I may say of it in the language of Jonathan, I did but taste a little honey, and lo, I must die for it ; I did but relieve a poor unworthy and distressed family, and lo, I must die for it. I desire in the Lamb-like will, to forgive all that are concerned and to say, Lord, lay it not to their charge. But I fear and believe that when he comes to make inquisition for blood, mine will be found at the door of the furious judge who, because I could not remember things through my dauntedness at Burton's wife's and daughter's witness, and my ignorance, took advantage thereat and would not hear me, when I had called to mind that which I am sure would have invalidated their evidence ; and though he granted some things of the same nature to another, yet he granted it not to me."

It is perhaps providential that evil rulers have an instinct for evil deeds, outraging the public conscience and so in due course hastening their own destruction. It is equally providential perhaps that state-craft is a craft immune from the power of understanding and applying the lessons of history. To burn a good, religious woman at Tyburn, obviously because of her faith rather than for any crime to the State, since they pardoned a foul fellow already outlawed to secure her conviction, to do this in the sight of a generation " brought up on Foxe's *Book of Martyrs*," as Trevelyan reminds us, was an outstanding example of the habitual incapacity of tyranny.

However, it was done, and that none might miss the sight and fail to be impressed by the policy of the last of the Stuarts

—a race that could never master the first principles of moral dynamics, and comprehend the eternal truth of the proverb, " who so diggeth a pit shall fall therein : and he that rolleth a stone it will return upon him "—James, after his fashion, ordained that the hours of the executions should not clash, that all might sup the full horrors of the day. William Penn, the King's strange friend, saw both tragedies. He stood near his friend Cornish when he died, and testified to the dignity of his death, and then hurried off to Tyburn not to miss the burning of Elizabeth Gaunt.

The woman was dragged there upon a hurdle as the law directed, and at the place of execution a huge stake had been driven into the ground, in diameter as thick as a large telegraph pole. Round the stake were piles of faggots and straw and long bundles of reeds. The woman was stood up against the stake, and a smith came with an iron chain, which he passed under her arms and fastened securely to a large nail driven into the post. The smith and his assistants now piled the sheaves of reeds upright around her body and heaped faggots and wood against her.

The Sheriffs on their horses, with their armed guards, stood round to see that all these matters were carried out according to tradition. The victim was not strangled, as was sometimes done out of mercy, but she was literally burned alive as the judges had ordered and the King had desired. Penn saw the executioners thrust the torches into the sheaves, and noted that she met her horrible death with calmness and dignity, arranging the straw about her feet that the flames might do their work more quickly. And when the huge crowd, that stood round, saw this foul deed, many wept aloud and uttered lamentations and prayers for their murdered country-woman, and there was just rage in their hearts against the men who had disgraced the name of their country and brought this sainted martyr to her death.

Chapter XXI: *The Revolution*

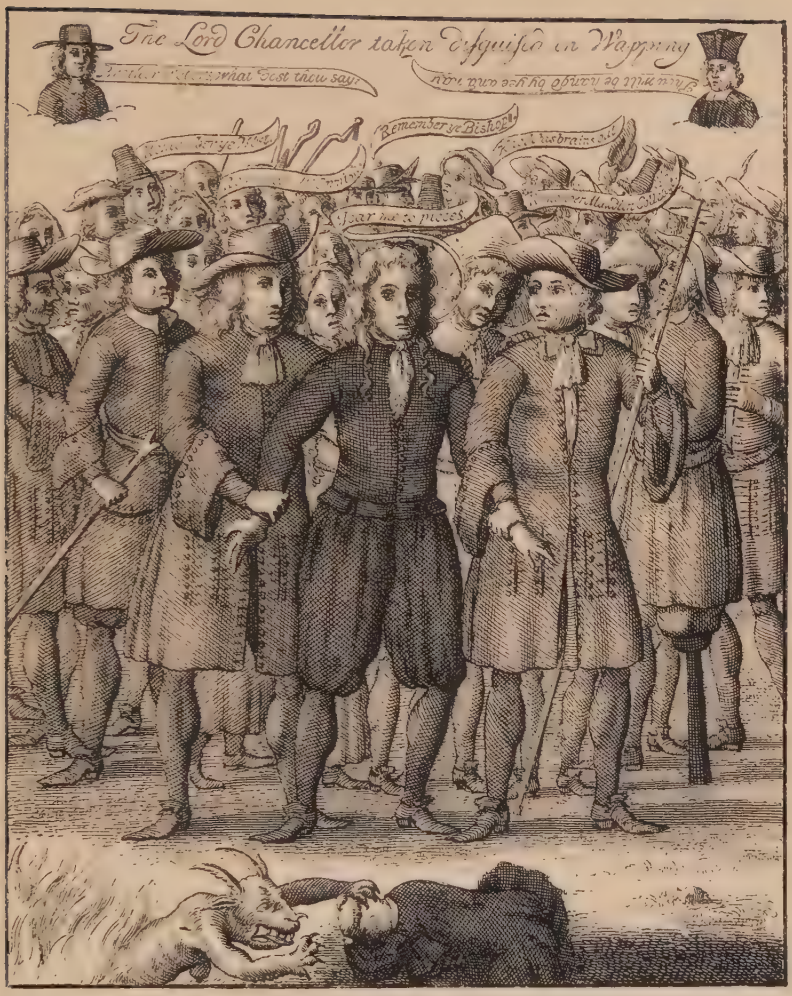
James was now in the height of his glory, and had he had wisdom of his own, or had there been wisdom in his Jesuit advisers, he might have made a better success of his policy of compelling his subjects to acknowledge the supremacy of the Roman Catholic Church.

His first move was to form a standing army and to officer it with Papists. This step naturally frightened even the Tories. Then he began to meddle with the Test Act and the Habeas Corpus Act. Even those dumb dogs, the priests of the Church of England, growled uneasily at his movements. Lord Powys, Lord Arundel and Lord Bellasis, three Catholic peers, were made Privy Councillors. Lord Tyrconnell, "lying Dick Talbot," was made Lord General of Ireland, and sent over to persecute the Protestants of that unhappy country. Curious that Titus Oates, in his list of officials that were to take office when Coleman's plot succeeded, had named all these four. Was it due to intelligent anticipation, the long arm of coincidence, or had he heard these matters discussed among the Jesuits? It was nearly ten years ago that Oates had foretold these things as threatening the peace of the country, and now Protestants who remembered his sayings whispered among themselves that the word of the prophet was being fulfilled.

And, as if to confirm the worst fears of Protestant Englishmen and to advertise the value of the promises of a Catholic king, the Edict of Nantes, which was granted to the French as a perpetual and irrevocable law to give equal rights of citizenship to Protestant subjects, was, in October 1865, suddenly revoked by Louis XIV., and ministers, judges, advocates, doctors, printers, booksellers and humbler citizens

were made to accept the Mass at the sword's point, or driven into exile with loss of property and office. Those that remained in their own country had to accept conversion or death; and the law ordained that if these new converts "refused the Catholic sacraments on their death-bed, when required to receive them by a magistrate, their bodies should be drawn on a hurdle along the public way, and then cast into the common sewers."

Naturally many of these unhappy victims fled to England, where they were warmly received by their co-religionists, but their presence in this country did not make James's task any easier. And another set-back to his plans for a counter-reformation of England was that Innocent XI., a very stalwart and courageous Pope and a man of discretion and common sense, by no means approved of James's proceedings or those of his Jesuit advisers, and although he publicly approved of the revocation of the Edict of Nantes, it was said that his own personal opinion was that it ought never to have been done. He and Louis XIV. were at variance upon other political affairs, and if Louis and James and the Jesuits between them pulled off the destruction of the "northern heresy," as the Reformation was called, the Pope naturally felt that the power of Louis would be exalted, and the Papal authority debased. In this view he had the support of the Austrian party. These little political quarrels undoubtedly gave time for the English Protestants to take counsel together about the dangers by which they were beset. And when it was known that the Jesuit, Edward Petre, the man who was the real power behind the throne, was refused a bishopric by the Pope, the Whigs began to see that there were quarrels among their enemies that might be prolonged to their own advantage. It is interesting to remember that Sir John Warner, the Jesuit priest who was now the King's confessor, had held that position to Lord Powys, and that both Petre and Warner were accused by Oates of being parties to the Plot.



JEFFREYS, TAKEN DISGUISED AT WAPPING

From an old print.

So, while poor mangled Oates lay dismally in jail, James proceeded to Catholicize England and destroy the pestilent heresy of the nation, a faith he was pledged to defend. All this he did much after the manner, and certainly with the human instruments that Oates had guessed, or invented, or foretold from information received, and the English people became slowly aware that, unless they struck a blow for freedom, their liberties would be destroyed and, like their neighbours across the water, they would be governed by an absolute monarch, acting under the direction of Jesuit priests.

This is not the place to write a history of the fall of James II., but it is a moment at which one can bring this essay to a happy ending, a form of *l'envoi* in which I am a firm believer. For to my mind that great literary artist, the author of Job, settled, once and for all, the format of a narrative of human trouble and distress, which should always finish on the top note of human happiness. And though we know that pieces of money and earrings of gold, and sheep and camels, and oxen, and she asses, and even daughters and sons, do not assure continued peace and happiness, and even if we surmise that Jemima and Kezia, and certainly Kerenhappuch, tried Job's patience in after life, as other daughters have done, yet it is good to be told of Job's good fortune at the end of his undeserved misfortunes.

So with story-books of history. It is good to let the curtain fall on the defeat and mortification of the forces of evil, and the triumph of right. We need not dwell on the unhappy circumstances of the birth of the Prince of Wales, nor the trial of the Seven Bishops, and the other political events that immediately preceded the fall of James's house of cards. He had dismissed his loyal statesmen, and Edward Petre was in sole command, when, at length, to the relief of the country, the Protestant wind wafted William of Orange to the West Country, and he landed in Devonshire. The simple folk of the adjoining counties flocked to meet him, and once more armed themselves to fight for the cause.

Those who had not been slaughtered at Sedgemoor, or murdered by Kirke, or hanged or transported by Jeffreys, were as ready as their martyred fathers to strike a blow for liberty. And when they saw the flag of their liberator flying over the thatch of the little cottage on the shores of Torbay, bearing the hopeful motto: "I will maintain the liberties of England and the Protestant religion," they felt that this time their cause was in strong hands, and must prevail.

William had landed to save the pestilent heretics from destruction, and henceforth the year 1688 would be remembered forever as the end of the fear of Popery that had haunted the minds of the people since the days of the Armada and the rule of Mary. Those who loved to search for portents, and are always asking for a sign, rejoiced in their hearts that the Prince had landed on a great Protestant anniversary, November 5th.

And now, with one accord, the rats began to desert the ship, as is their nature to. Kirke and Churchill rode with their regiments into William's quarters. The Jesuit fathers dispersed like demons in a pantomime when the fairy queen waves her wand. Father Petre, on the very night before his own flight, advised James by no means to leave Westminster, and then slipped away in disguise through a secret passage at St James's, and reached Dover, and so made his way to St Omer. It is said, and we may well believe it, he never saw his master James again. Unless it be Jeffreys, no man was more hated by the common folk, and, without believing the scandalous stories of his ways that were popular legends, Father Petre was certainly an enemy of the people and an evil adviser of the King. The flight of Father John Warner, the provincial of the Jesuits and the King's confessor, in company of Miles Prance, the murderer of Godfrey who turned King's evidence, has already been referred to.

One can almost pity the wretched King, who awoke from his fool's paradise to find he was served by cowards, liars and deserters, and hated by all his people. Titus Oates was

certainly a romantic and reckless liar, but if he had possessed the wit of Bishop Compton, and understood the play of the lie circumstantial, he might have left a sweeter name behind him.

The Bishop had actually signed the invitation to the Prince of Orange, and the Prince of Orange had issued a declaration that he came to England at the request of some of the spiritual and temporal peers. Compton was called to the King's chamber, and asked if he believed the declaration was true. He replied without a moment's hesitation: "I am quite confident that there is not one of my brethren who is not as guiltless as myself in this matter." And when the next day the bishops and peers were assembled before the King, and asked if the declaration were true, each in turn denied the accusation directly with a negative, and when Compton's turn came he replied: "I gave your Majesty my answer yesterday."

The Prince of Orange came in force with steadily increasing numbers towards London, and every day the King learned of new deserters; and James, who had gone with his army as far as Salisbury to meet the Prince, now gave an order for retreat. Whilst the King and his stupid son-in-law, Prince George, were at Andover they heard that the retreat of their army had become a flight.

"Est-il-possible?" cried the Prince, who usually met good or ill news with this catchword.

Later on they were told that Churchill and Grafton were missing, and had gone over to the enemy.

"Est-il-possible?" murmured the Prince. That evening Prince George himself rode away to the enemy, with the Duke of Queensberry's son, and when James heard it he smiled wistfully as he said, "So Est-il-possible is gone too!"

Bishop Compton had carried off the Princess Anne and Lady Churchill to the north. The Queen and her infant son had been shipped to France for safety, and when the King found he was deserted by his daughter and by his faithful

Father Petre, he was not going to face his wronged and rebellious subjects alone. In the early morning of Tuesday, December 11th, having told his nephew, the young Duke of Northumberland, not to open his door until the usual hour, he too made his way along the secret passage out of the palace, and rode in a hackney carriage to Millbank. Here he crossed the river to Vauxhall, and as he passed Lambeth he flung the Great Seal, which he had carried away with him, into the ebbing river. This was his act of abdication, the one good deed of his reign.

Let this, at least, be said of Jeffreys, that he was literally the last to leave the ship. He had come to join the King after Petre's flight in November, and was occupying the good father's lodgings. On Saturday, December 8th, he had sat in Court, and that evening, after using the Great Seal to seal the writs for a new House of Commons, he had surrendered it to the King at his command, but he still remained at the palace, and probably left not earlier than the Monday.

He had busied himself to obtain a vessel, but evidently feared that if it were known who was on board, the ship would not be allowed to leave the country. So it was necessary to disguise himself, and the gold frog-button gown and the beaver hat with diamond buckles to the band were laid aside. In a rusty coat and fur cap, a seaman's neck-cloth, and with his eyebrows shaved, he went forth knowing himself a hunted man. He reached Wapping, and seems to have found a ship where he might have stayed in safety, but either thirst or fear of constables drove him on shore, and there, in a pot-house called the "Red Cow," near King Edward's Stairs, he sat drinking until about one or two on Wednesday afternoon, when some constables who were looking for him searched the house.

The Lord Chancellor, begrimed and filthy with coal dust, was lying between a couple of blankets in an upper room, and upon the constables charging him with being the man they wanted, he admitted his identity, and begged their protec-

tion. A more picturesque story is that a wretched scrivener, who had been bullied by the tyrant on the Bench, caught sight of his terrible eyes, which still haunted his memory, as Jeffreys was lifting a tankard to his lips at the parlour window of the " Red Cow."

How he came to be discovered matters not. The constables had the right man, and now their uneasy task was to get him lodged safely in jail. For the news of his arrest spread rapidly and a mob gathered round, yelling at him and pelting him with mud and stones as the officers dragged him through the streets and lodged him at the house of Captain Jones, a shipmaster. He may have been a magistrate, for he obtained a coach and a guard armed with blunderbusses, and the Lord Chancellor and his captors set off for London, followed by a howling mob. The constables placed a man on their prisoner's knees so that the people could not see him, but the mob flung dirt and mud and yelled with hatred and joy, until a company of trained bands arriving, they managed to carry their prisoner safely to the house of Sir John Chapman, the Lord Mayor, at Grocers' Hall.

My Lord Mayor was at dinner, and when he saw the bedraggled wretch weeping at his feet, and knew him to be the great Lord Chancellor, he fell in a fainting fit, and some say died soon afterwards. A mob filled the courtyard of his house, yelling for the prisoner to be given up to them. Messengers were sent to the Council to know what was to be done. It is said that Jeffreys offered to draw a warrant committing himself to the Tower, so that he might be carried there in safety and guarded from the men outside who were thirsting for his blood.

At last a warrant for his committal to the Tower arrived. Once more he was put in the coach, two companies of trained bands surrounding the prisoner, and, in spite of yells of vengeance, cries for justice and threats of destruction, he was safely delivered over to Lord Lucas, who was then Lieutenant of the Tower.

There, as Trevelyan rightly says, during his last dreadful days on earth Jeffreys "was sheltered by the walls of the Tower from a nation of men seeking to kill him with their hands, he was hiding not from the Whig mob but from the human race."

Drink, disease and despair were his last companions in his dungeon. His enemies showed him a mercy he and his master James would have scoffed at, else they would have dragged the dying brute out of his bed and hanged, drawn and quartered him for the pleasure of a holiday mob. He lingered on until April 18th of the next year, and was buried in the Tower chapel, in the next grave to Monmouth.

Two of the curious triumvirate whose activities had brought about the Bloody Assize were dead, but Titus Oates remained to see the triumph of the Protestant cause. This at least may be recorded of this extraordinary man, that, in spite of his terrible sufferings, he had never gone back on his original fanatical outpourings of plots and conspiracies, and he continued to reiterate the charges against his enemies with all his old scurrility of invective.

Many of the prophecies he had uttered his enemies had fulfilled, but his reckless and lying imagination and his fanatical hatred of Catholics had undoubtedly led to verdicts and executions that were wholly unjustifiable. Neither party can escape from the charge of blood-guiltiness, and the Courts were on many occasions meanly subservient to the desires of those in power. He rightly never recovered his lost prestige and popularity. He came out of prison to a world that knew not Joseph, and found no entertainment in his fanatical diatribes.

But justice had to be done to the poor wretch, and the laws of England purged of the disgraceful incidents of his trial and the cruel injustice of the sentence. He brought Writs of Error in 1689 to have the judgments against him set aside, and all the judges agreed with the view expressed by Lord Chief Justice Holt, that there were errors in the

judgment against him entitling him to have it reversed. The three points were that the Court had no power to divest him of his canonical habit, that it was illegal to put him in the pillory, and that the whipping, being ordered with the obvious intention of killing him, was " erroneous and exorbitant." Pollexfen's judgment is short and to the point. " Concurs with his brother in all the three arguments. There is no ground for any such judgment, nor any practice for it but the Star Chamber, and it ought to be reversed." The Lords and Commons, however, quarrelled over the necessary bill, so that the judge's opinions were never confirmed by Act of Parliament, but on the prorogation Titus was released from prison and received a pension.

He continued to haunt the Courts and the neighbouring coffee-houses, to quarrel with the Baptists, and to enter into theological controversies, and he married a lady with money, and was continuously lampooned by the wits whose pleasantries are too often treated as historical records. He lived at Axe Yard in Westminster, and died in obscurity there on Thursday, July 12th, 1705.

England had passed through terrible dangers from treachery and alien conspiracies, but she had vindicated her liberty by " a just and necessary revolution." The authors of the Bloody Assize had been destroyed, its martyrs had been avenged. Freedom of conscience and freedom of discussion had made the blood feud of organized religions a relic of barbarism. But it is well to read about the heroic struggles of our fathers for liberty and freedom of thought, if only to bring home to our minds the deep truth of that inspired thought, " God grants liberty only to those who love it, and are always ready to guard and defend it."

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